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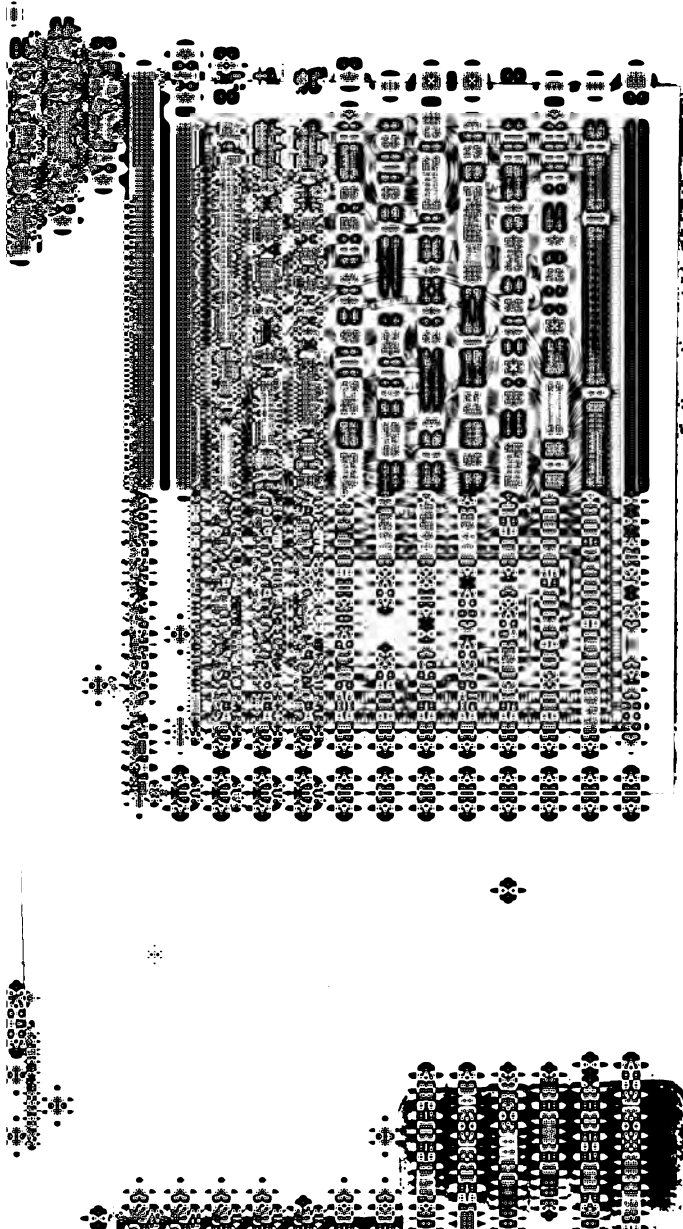
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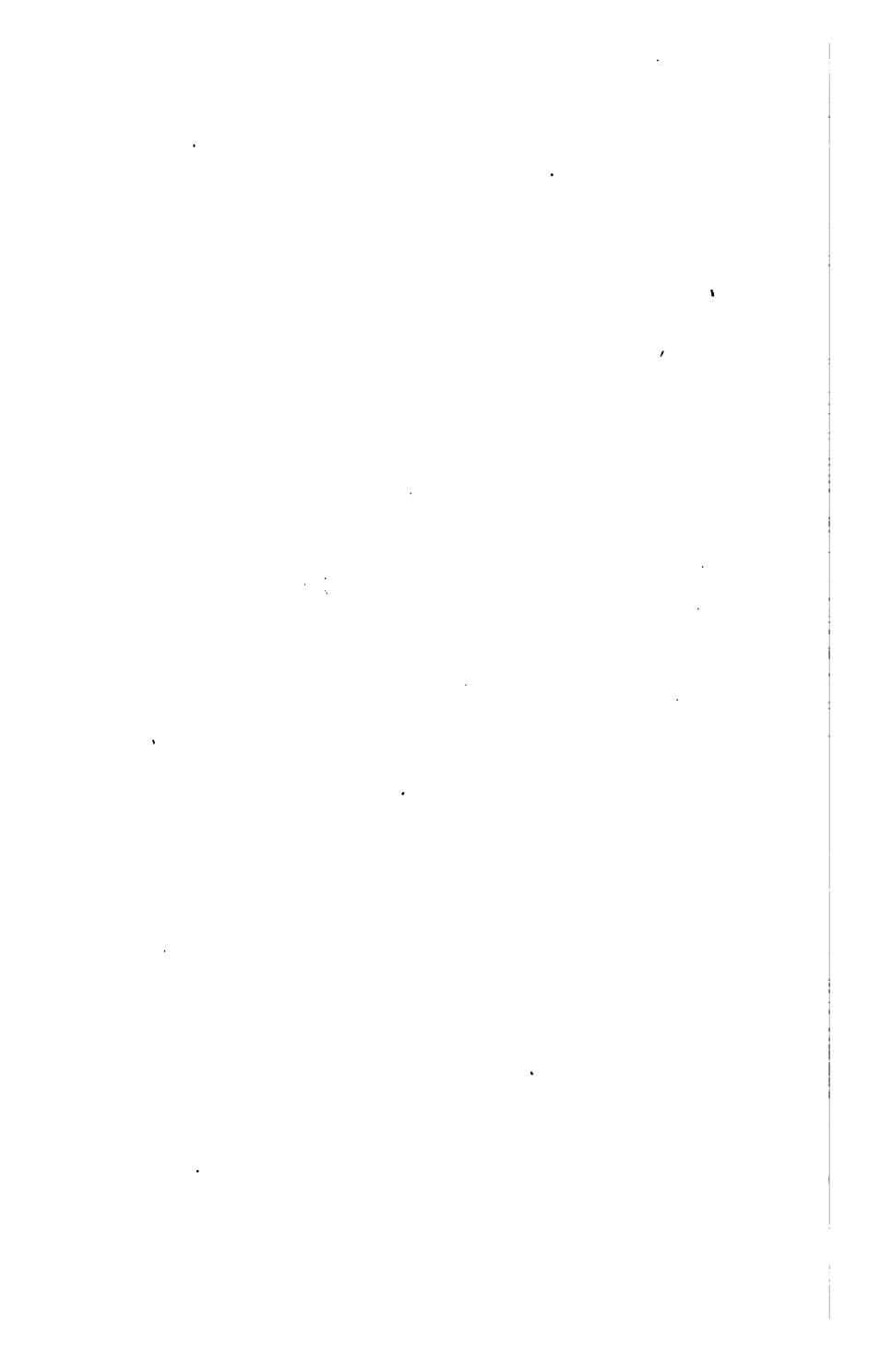
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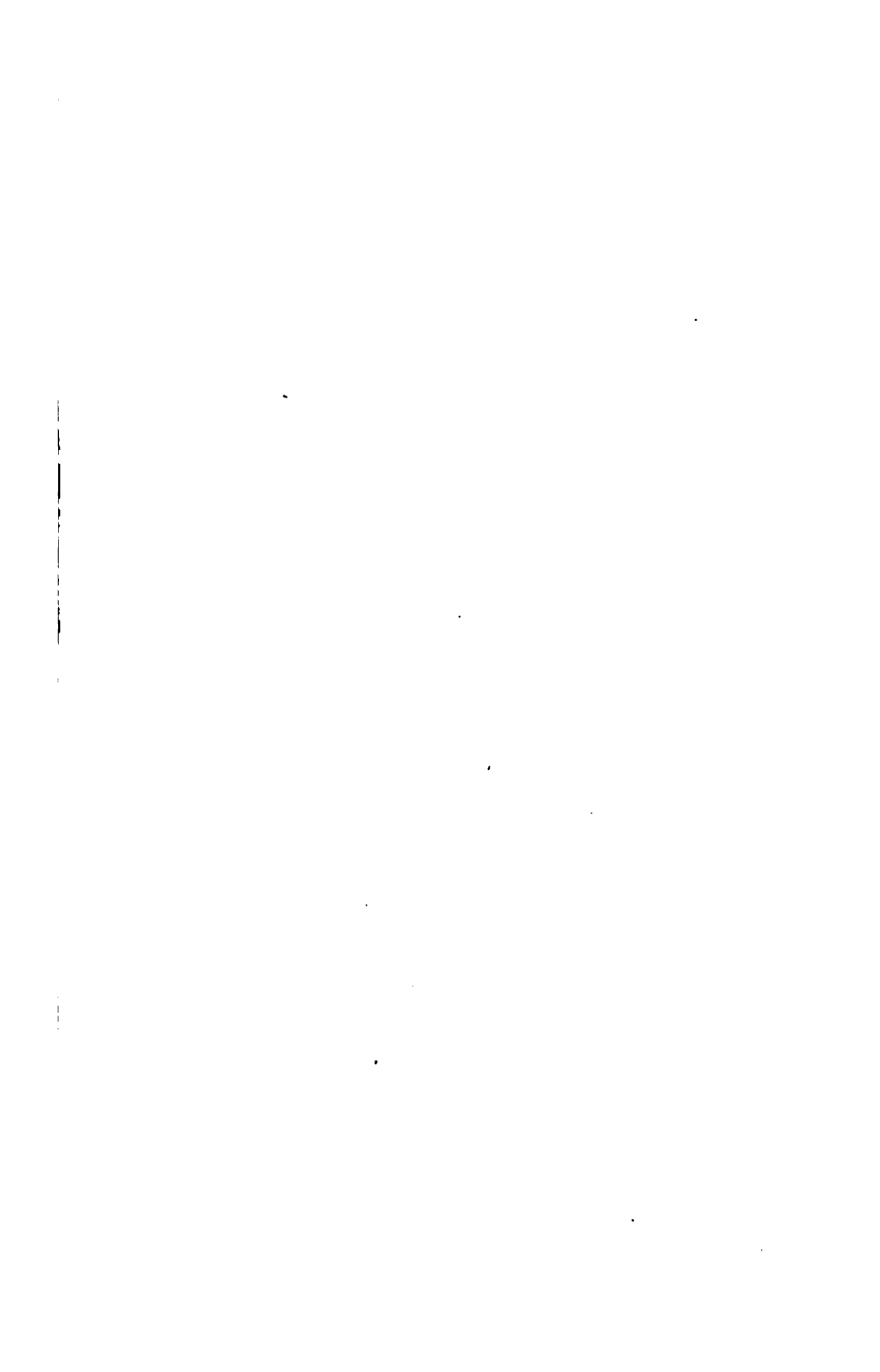
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THE
SCHOOL LAWS OF MICHIGAN,
WITH
EXPLANATORY NOTES.

ALSO,
FORMS FOR PROCEEDINGS UNDER THE SCHOOL LAW,

AND
APPENDIX.

PUBLISHED BY AUTHORITY.

DANIEL B. BRIGGS,
SUPERINTENDENT OF PUBLIC INSTRUCTION.

LANSING:
W. S. GEORGE & CO., STATE PRINTERS AND BINDERS.
1873.

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THIS VOLUME is public property, designed for the use of school officers. It is to be kept in their custody and produced by them at all meetings of the district for consultation by the voters; and must be delivered to their successors in office.

PREFACE.

This edition of the School Laws has been prepared in compliance with section three of the act prescribing the duties of the Superintendent of Public Instruction, which reads as follows: "He shall prepare and cause to be printed, with the laws relating to primary schools, all necessary forms, regulations and instruments [instructions] for conducting all proceedings under said laws, and transmit the same, with such instructions relative to the organization and government of such schools, and the course of studies to be pursued therein, as he may deem advisable, to the several officers entrusted with their care and management."

The publication of this edition of the School Laws is rendered necessary, as the edition of 1869 is now exhausted, and as the amendments adopted at the recent sessions of the Legislature should be incorporated into the Laws to secure their successful administration.

The explanatory notes have been carefully revised to accord with the various changes in the law, and also extended so as to embrace many essential points not heretofore included. These notes are arranged, for greater convenience of reference, in the form of foot-notes, printed in leaded type, and will be found as near to as possible, and usually upon the same page, as the section to which they directly relate. For easy reference to the Statutes, the compiler's number is placed in parenthesis at the head of each section. The blank forms of the previous edition have been retained with slight modifications, and others have been added.

A copious index, arranged in alphabetical order, is added, which gives both the section and the page where the law may be found.

The Appendix, to which a reference is invited, contains suggestions at length in regard to the mode of procedure at district meetings; duties and powers of the district board; examination of teachers; engagement of teachers; endorsement of teachers' certificates; teachers' authority with respect to time and place; and the important opinions and decisions on the school laws rendered by the courts of Michigan. In this compilation of the laws it is thought advisable to include the acts [as amended from time to time] establishing the various educational institutions of the State.

In the preparation of this volume, it has been the aim throughout to make it a plain and reliable guide to the army of school officers in the State. If the effort to anticipate and prevent occasions of difficulty in the management of school affairs has given rise to explanations and instructions, seemingly too minute, or perhaps unnecessary, it must be considered that they are intended for the practical wants of men who may be unaccustomed to the ordinary forms of business, and often deprived of facilities for securing legal advice.

No law or set of laws can anticipate and provide against every contingency. But if our school officers would study the law to understand it as it is,—if they would supplement its defects by giving to its provisions a common sense interpretation, we should not be long in reaching a uniform practice in the application of its main provisions, or in giving unity and strength to our whole school system.

DANIEL B. BRIGGS,
Superintendent of Public Instruction.
1873.

CONSTITUTIONAL PROVISIONS.

ARTICLE THIRTEEN.

EDUCATION.

SECTION 1. The Superintendent of Public Instruction shall have the general supervision of public instruction, and his duties shall be prescribed by law.

SEC. 2. The proceeds from the sales of all lands that have been or hereafter may be granted by the United States to the State for educational purposes, and the proceeds of all lands or other property given by individuals, or appropriated by the State for like purposes, shall be and remain a perpetual fund, the interest and income of which, together with the rents of all such lands as may remain unsold, shall be inviolably appropriated and annually applied to the specific objects of the original gift, grant or appropriation.

SEC. 3. All lands, the titles to which shall fail from a defect of heirs, shall escheat to the State; and the interest on the clear proceeds from the sales thereof, shall be appropriated exclusively to the support of primary schools.

SEC. 4. The Legislature shall, within five years from the adoption of this Constitution, provide for and establish a system of primary schools, whereby a school shall be kept without charge for tuition, at least three months in each year, in every school district in the State; and all instruction in said schools shall be conducted in the English language.

(*Section 4.*) The statute—sections 24 and 107—goes still further: requiring districts with less than thirty children to have three months free school; with from thirty to eight hundred children, five months; and with over eight hundred children, nine months.

SEC. 5. A school shall be maintained in each school district at least three months in each year. Any school district neglecting to maintain such school, shall be deprived for the ensuing year of its proportion of the income of the primary school fund, and of all funds arising from taxes for the support of schools.

SEC. 6. There shall be elected in each judicial circuit, at the time of the election of the judge of such circuit, a Regent of the University, whose term of office shall be the same as that of such judge. The Regents thus elected shall constitute the Board of Regents of the University of Michigan.


SEC. 7. The Regents of the University, and their successors in office, shall continue to constitute the body corporate, known by the name and title of "The Regents of the University of Michigan.

SEC. 8. The Regents of the University shall, at their first annual meeting, or as soon thereafter as may be, elect a President of the University, who shall be *ex officio* a member of their board, with the privilege of speaking, but not of voting. He shall preside at the meetings of the Regents, and be the principal executive officer of the University. The Board of Regents shall have the general supervision of the University, and the direction and control of all expenditures from the University Interest Fund.

SEC. 9. There shall be elected at the general election in the year one thousand eight hundred and fifty-two, three members of a State Board of Education—one for two years, one for four years, and one for six years; and at each succeeding biennial

The restriction in regard to language cannot be held to prevent the study of another language as a *study*, while it prohibits the use of a foreign language in the ordinary instruction of the school.

(Section 5.) "Taxes for the support of schools." This can only be construed to mean all taxes raised for the payment of teachers—including the two-mill tax, and district taxes for teachers' wages; but not taxes for building purposes, and the like.



election there shall be elected one member of such Board, who shall hold his office for six years. The Superintendent of Public Instruction shall be *ex officio* a member and secretary of such board. The board shall have the general supervision of the State Normal School, and their duties shall be prescribed by law.

SEC. 10. Institutions for the benefit of those inhabitants who are deaf, dumb, blind, or insane, shall always be fostered and supported.

SEC. 11. The Legislature shall encourage the promotion of intellectual, scientific, and agricultural improvement; and shall, as soon as practicable, provide for the establishment of an agricultural school. The Legislature may appropriate the twenty-two sections of salt spring lands now unappropriated, or the money arising from the sale of the same, where such lands have been already sold, and any land which may hereafter be granted or appropriated for such purpose, for the support and maintenance of such school, and may make the same a branch of the University, for instruction in agriculture and the natural sciences connected therewith, and place the same under the supervision of the Regents of the University.

SEC. 12. The Legislature shall also provide for the establishment of at least one library in each township; and all fines assessed and collected in the several counties and townships for any breach of the penal laws, shall be exclusively applied to the support of such libraries.

(Section 12.) If the provisions of this section were complied with, every town or district in the State might have a flourishing library.

STATUTORY PROVISIONS.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Chapter 181, Compiled Laws.

(3468.) SECTION 1. The Superintendent of Public Instruction shall have general supervision of Public Instruction and of the State Reform School, and it shall be his duty, among other things to prepare annually, and transmit to the Governor, to be by him transmitted to the Legislature at each biennial session thereof, a report containing:

1, A statement of the condition of the University, and its branches, of all incorporate Literary Institutions, and of the Primary Schools;

2, Estimates and amounts of expenditures of the school money;

3, Plans for the improvement and management of all educational funds, and for the better organization of the educational system, if in his opinion the same be required;

4, The condition of the Normal School;

5, The annual report and accompanying documents as far as he shall deem the same of sufficient public interest, of the Board of Control of the State Reform School;

6, All such other matters relating to his office, and the subject of education generally, as he shall deem expedient to communicate.

(3469.) SEC. 2. He shall make all necessary abstracts of the reports of School Inspectors, transmitted to him by the clerks, and embody so much of the same in his report as may be necessary.

(3470.) SEC. 3. He shall prepare and cause to be printed,

with the laws relating to Primary Schools, all necessary forms, regulations, and instruments [instructions] for conducting all proceedings under said laws, and transmit the same, with such instructions relative to the organization and government of such schools, and the course of studies to be pursued therein, as he may deem advisable, to the several officers entrusted with their care and management.

(3471.) SEC. 4. School laws, forms, regulations and instructions shall be printed in pamphlet form, with a proper index, and shall have also annexed thereto, a list of such books as the superintendent shall think best adapted to the use of the primary schools, and a list of books suitable for township libraries, with such rules as he may think proper for the government of such libraries.

(3472.) SEC. 5. He shall annually on receiving notice from the Auditor General of the amounts thereof, apportion the income of the primary school fund among the several townships and cities of the State, in proportion to the number of scholars in each between the age of five and twenty years, as the same shall appear by the reports of the several township inspectors of primary schools, made to him for the year last closed.

(3473.) SEC. 6. He shall prepare annually a statement of the amount, in the aggregate, payable to each county in the State from the income of the primary school fund, and shall deliver the same to the Auditor General, who shall thereupon draw his warrant upon the State Treasurer in favor of each county, for the amount payable to such county.

(3474.) SEC. 7. He shall also send written notices to the clerks of the several counties of the amount in the aggregate to be disbursed in their respective counties, and the amount payable to the townships therein, respectively; which notice shall be disposed of as directed by an act entitled "An act to amend chapter fifty-eight of the revised statutes of one thousand eight hundred and forty-six," approved March twenty-eight, one thousand eight hundred and fifty. [That is, file the same in his office, and deliver a copy to the county treasurer. See section 112.]

(3475.) SEC. 8. Whenever the returns from any county, township or city, upon which a statement of the amount to be disbursed or paid to any such county, township or city, shall

be so far defective as to render it impracticable to ascertain the share of public moneys which ought to be disbursed or paid to such county, township or city, he shall ascertain by the best evidence in his power, the facts upon which the ratio of such apportionment shall depend, and shall make the apportionment accordingly.

(3476.) SEC. 9. Whenever any township, county, or district, through failure or error in making the proper report, shall fail to receive its share of the primary school moneys, the Superintendent, upon satisfactory proof that said county, township, or district was justly entitled to the same, shall apportion such deficiency in his next apportionment; and whenever it shall appear to the satisfaction of the Superintendent, that any district has had three months' school, but failed to have the full time of school required by section twenty-four of the primary school law, through no fault or negligence of the district or its officers, he may include said district in his apportionment of the primary school moneys in his discretion.

(3477.) SEC. 10. Upon all sums paid into the State Treasury upon account of the principal of any of the educational funds, except where the provision is or shall be made by law, the treasurer shall compute interest from the time of such payment, or from the time of the last computation of interest thereon to the first Monday of April in each and every year, and shall give credit therefor to each and every school fund, as the case may be; and such interest shall be paid out of the general fund.

(3478.) SEC. 11. The Superintendent shall, at the expiration of his term of office, deliver over, on demand, to his successor, all property, books, documents, maps, records, reports, and all other papers belonging to his office, or which may have been received by him for the use of his office.

(Section 9.) The latter clause of this section is as amended in 1873, and is designed to provide for an occasional extreme case, where the failure is wholly beyond the power of the district to avoid; as where the house may be burned near the year, or where the teacher is taken sick just before of the term, etc.

(3479.) SEC. 12. Chapter fifty-six of the revised statutes of one thousand eight hundred and forty-six, and an act to amend said chapter fifty-six, approved March twenty-ninth, one thousand eight hundred and fifty, are hereby repealed.

(3480.) (Laws of 1859.) The Superintendent of Public Instruction is hereby authorized to appoint a deputy, and to revoke such appointment at pleasure; which deputy may execute the duties of the office in case of a vacancy, or the necessary absence of the Superintendent.

Chapter 109, Compiled Laws.

(3139.) SEC. 6. Any institution incorporated under the provisions of this act [Act to provide for the incorporation of institutions of learning, 1855], shall be always subject to the visitation and examination of the Superintendent of Public Instruction, and also to a board of visitors [three in number] to be annually appointed by said Superintendent; and said visitors shall report to said Superintendent as soon after an examination as practicable.

Chapter 182, Compiled Laws.

(3501.) SEC. 21. A board of visitors [to the University of Michigan], to consist of three persons, shall be appointed biennially, at the commencement of the collegiate year, by the Superintendent of Public Instruction. It shall be their duty to make a personal examination into the State and condition of the University in all its departments and branches, once at least, in each year, and report the result to the Superintendent, suggesting such improvements as they may deem important, which report shall be embodied into the report of the Superintendent.

Chapter 188, Compiled Laws.

(3519.) SEC. 12. It shall be the duty of the Superintendent of Public Instruction, once at least, in each term, to visit said school [the State Normal School], and he shall annually make to the Legislature, a full and detailed report of the doings of the Board of Education, and of all their expenditures, and the moneys received for tuition, and the prospects, progress, and usefulness of said school, including so much of the reports of said visitors [appointed by the Board of Education], as he may deem advisable.

Department of Schools.]

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number of instructors, the number of students in the different classes, the studies pursued and the books used, the course of instruction, the terms of tuition, and such other matters as may be specially requested by said Superintendent, or as may be deemed proper by the president or principal of such academies or institutes, to enable the Superintendent of Public Instruction to lay before the Legislature a fair and full exhibit of the affairs and condition of said institutions.

Chapter 142, Compiled Laws.

[Act to establish Teachers' Institutes.]

(3789.) SEC. 1. Whenever reasonable assurance shall be given to the Superintendent of Public Instruction, that a number not less than fifty, or in counties containing a population of less than twelve thousand inhabitants, whenever twenty-five teachers of common schools shall desire to assemble for the purpose of forming a Teachers' Institute, and to remain in session for a period of not less than five working days, said Superintendent is authorized to appoint a time and place for holding such Institute, to make suitable arrangements therefor, and to give due notice thereof.

(3790.) SEC. 2. For the purpose of defraying the expenses of rooms, fires, lights, attendance, or other necessary charges, and for procuring teachers and lecturers, the Auditor General shall, upon the certificate of the Superintendent of Public Instruction, that he has made arrangements for holding such Institute, draw his warrant upon the State Treasurer for such sum as said Superintendent shall deem necessary for conducting such Institute, which sum shall not exceed one hundred dollars for each Institute of five days' duration, and shall be paid out of the general fund.

(3791.) SEC. 3. Said Superintendent, in case of inability personally to conduct any Institute, or to make the necessary arrangements for holding the same, is authorized to appoint some suitable person or persons for that purpose: *Provided*, That not more than eighteen hundred dollars shall be drawn from the treasury in any one year, to meet the provisions of this act.

(Section 1.) Refer to Form 27 and explanatory note.

PRIMARY SCHOOL LAW,

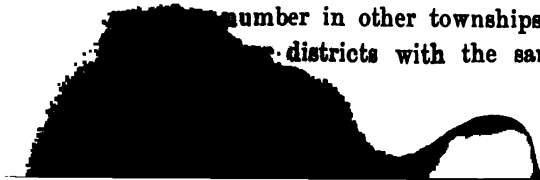
WITH NOTES AND INSTRUCTIONS BY THE SUPERINTENDENT OF
PUBLIC INSTRUCTION.

DISTRICTS.

(3582.) SECTION 1. Whenever the board of school inspectors of any township shall form a school district therein, it shall be the duty of the clerk of such board to deliver to a taxable inhabitant of such district, a notice in writing of the formation of such district, describing its boundaries, and specifying the time and place of the first meeting, which notice, with the fact of such delivery, shall be entered upon record by the clerk.

(Section 1.) The power and duty of dividing the territory of a township into school districts are vested in the school inspectors (Section 71), and they are not required to wait for any petition or request of the inhabitants, before proceeding to exercise this power. They should form districts as fast as the wants of the people shall, in their judgment, demand it, taking care to keep the districts as large and compact in form as practicable.

The district must be properly numbered when formed, and care should be taken not to repeat any number, even in case of fractional districts. Fractional districts are numbered in the township in which the school-house is situated, and have the same number in other townships. Some towns have as many districts with the same number. Inspectors



(3583.) SEC. 2. The said notice shall also direct such inhabitant to notify every qualified voter of such district, either personally or by leaving a written notice at his place of residence, of the time and place of said meeting, at least five days before the time appointed therefor; and it shall be the duty of such inhabitant to notify the qualified voters of said district accordingly.

(3584.) SEC. 3. The said inhabitant, when he shall have notified the qualified voters as required in such notice, shall endorse thereon a return, showing such notification, with the date or dates thereof, and deliver such notice and return to the chairman of the meeting.

(3585.) SEC. 4. The said chairman shall deliver such notice and return to the director chosen at such meeting, who shall record the same at length, in a book to be provided by him, at the expense of the district, as a part of the records of such district.

should re-number the districts, if necessary, so that each will be different. Make them, for example, No. 1, No. 2, No. 3 fractional, No. 4, No. 5 fractional, No. 6 fractional, No. 7, etc., and when a new district is created, let it count on, whether whole or fractional.

The place of the meeting should be within the bounds of the district, and may be a private house, the consent of the owner or occupant being gained.

(Sections 2-4.) Any taxable inhabitant who shall receive the notice mentioned in sections 1 and 2, and shall refuse or neglect duly to serve such notice, incurs a penalty of five dollars. The chairman of the first meeting, under the first notice, also incurs a penalty of five dollars, for any neglect of the duty prescribed for him by Section 4. *Section 129.*

The omission to notify one or several persons not known to be residents of the district, will not invalidate the action of the majority of the legal voters in organizing the district, if there was no fraudulent intent in the omission.

(3586.) SEC. 5. The qualified voters of such district, when assembled pursuant to such previous notice, and all existing districts, at their annual meeting in the year one thousand eight hundred and fifty-nine, shall elect by ballot from the qualified voters of such district, a moderator for three years, a director for two years, and an assessor for one year; and on the expiration of their respective terms of office, and regularly thereafter, their several successors shall be elected in like manner for a term of three years each. Within ten days after their election, these several officers shall file with the director a written acceptance of the offices to which they shall have been respectively elected, which shall be recorded by said director.

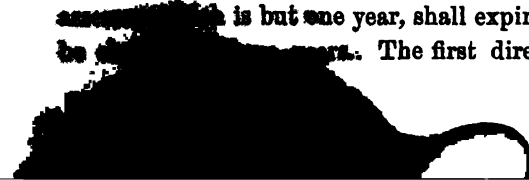
The returns endorsed upon the notice, or attached to it, must show the names of all the persons notified, and the date of each one's notification.

The persons to be notified under the term "qualified voters," in sections 2 and 3, are every resident of the district who is an elector at a township meeting, and every person three months a resident and twenty-one years of age, liable to pay a district tax, whether male or female. *Section 145.*

The qualified voters having assembled, should organize the meeting by choosing a chairman and clerk, and the person holding the notice and return for the meeting, should deliver the same to the chairman.

As great importance often attaches to the record of the proceedings of meetings, this record should be invariably read to the meeting for approval, before the adjournment.

(*Section 5.*) The intention of the law is, that after the first instance, all district officers shall be elected for three years each, and that only one shall be elected each year, except in case of vacancies. Thus, when the term of office of the first assessor is but one year, shall expire, his successor shall be elected for three years. The first director's term of office



(3587.) SEC. 6. Every such school district shall be deemed duly organized, when any two of the officers elected at the first meeting shall have filed their acceptance as aforesaid.

will expire with the second year, when his successor must be elected for three years. The law allows the new officer ten days time in which to file his acceptance, and as it cannot have been designed that the district should be without one of its officers during that time, it must be held that the old officer holds his office till his successor files his acceptance, but not beyond the ten days. If the acceptance is not filed within that time, the office becomes vacant, and must be filled as provided in section 66.

Should any district office become vacant before the expiration of the three years, a new officer must be appointed or elected, to serve out the unexpired term. *See Section 66.*

As the law provides that the annual meeting of each school district shall be held the first Monday of September, the time intervening between the first meeting of a newly-organized district and the first Monday in the following September, must be counted as one year in the terms of office.

As the officers elect of a newly-organized district must file their acceptance with the director, he must necessarily file and record his own acceptance. This case of the director filing his acceptance with himself, will also occur whenever he is elected for a second term. In ordinary cases the new director should file his acceptance with the old director. An informality in this respect will not, however, invalidate the election.

Section 146 provides that in case the qualified voters of a newly-formed district fail to elect district officers, the township board of school inspectors shall appoint such officers—as

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said, the said clerk shall give a new notice in the manner hereinbefore provided, and the same proceedings shall be had thereon as if no previous notice had been delivered.

(3589.) SEC. 8. Every school district organized in pursuance of this chapter, or which has been organized and continued under any previous law of the State or territory of Michigan, shall be a body corporate, and shall possess the usual powers of a corporation for public purposes, by the name and style of "School District Number —, (such number as shall be designated in the formation thereof by the inspectors,) of —," (the name of the township or townships in which the district is situated), and in that name shall be capable of suing and being sued, and of holding such real and personal estate as is authorized to be purchased by the provisions of this chapter, and of selling the same.

(3590.) SEC. 9. The record made by the director, as required in the fourth section of this chapter, shall be *prima facie* evidence of the facts therein set forth, and of the legality of all proceedings in the organization of the district prior to the first district meeting; but nothing in this section contained shall be so construed as to impair the effect of the record kept by the school inspectors as evidence.

(3591.) SEC. 10. Every school district shall, in all cases, be

ance has been properly filed. (See form No. 4.) In case of failure to file an acceptance within ten days after the election, the office is to be considered vacant.

(Section 7.) If, after the second notice the inhabitants fail to organize, the inspectors may proceed to complete the organization by appointing officers, as provided in section 146. (See form 15).

(Section 8.) In case of a fractional district the designation should be: "School District No. —, fractional, of — and —." The town should be first named in which it is supposed the site will be; but, if the site should be established in another town, the names should be transposed, so that it will stand first; as the district is known as a district, only in that town.

When it shall have
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Each school district
shall hold a meeting
at least once a year,
in each year,
May.

Any meeting held on the day
of the election may be held during
the day of the election to fill vacancies
in the board of directors at a
special meeting.
The board of directors may adjourn
any meeting to an adjourned meet-
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Any annual meeting should
be held on the day of the election or any other meeting ;
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at the usual hour
of the annual meeting, though no notice
is given. If no voters are
present, the voters
may hold a meeting (Sections 29 and 37.)
The annual meeting,
if held on the day of the election, (See section
29 and 37.) reference to such
meeting, may be
called for that
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The annual meeting ends with the
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(3593.) SEC. 12. Special meetings may be called by the district board, and it shall be the duty of said board, or any one of them to call such meetings on the written request of not less than five legal voters of the district, by giving the notice required in the next succeeding section : and the questions upon which the district is empowered to act in section twenty-four

new year. Therefore the director's report for the past year takes no account of said meeting (except for convenience, to insert the Postoffice and name of the new director), and there is nothing to prevent his having his report ready to present to the meeting, for its information, and for correction of errors, if any there be. (See Appendix A.)

(Section 12.) The district board may call a special meeting, on their own suggestion, and without the written request required in this section. Any *one* member of the board must call such meeting on the written request of five legal voters.

No object can be legally acted on by a special meeting, unless such object was stated in the notice of the meeting. A general statement in the notice that the meeting is "to transact such business as may be brought before it," is not sufficient. No business can be legally introduced under such notice. The objects should be those mentioned in the written request; but the board may also include other objects in the notice, and no business can be transacted save what grows legitimately out of the subjects noticed. The request of the five voters should be entered on the record of the meeting.

A special meeting may adjourn from time to time, in which case like notice of the adjourned meeting should be given, as was required for the first meeting, though an adjourned meeting will not be illegal without such notice.

Under section twenty-four the district can decide the questions of length of school and sex of teachers at the annual

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(3595.) SEC. 14. No district meeting shall be deemed illegal for want of due notice, unless it shall appear that the omission to give such notice was willful and fraudulent.

SEC. 15. Repealed.

(3596.) SEC. 16. If any person offering to vote at a school district meeting shall be challenged as unqualified by any legal voter in such district, the chairman presiding at such meeting shall declare to the person challenged the qualifications of a voter, and if such person shall state that he is qualified, and the

to wait. The meeting should certainly be organized within the hour to make it legal.

If no notice of the annual meeting has been given, it should be held, as near as may be, at the usual place and hour as in former years; but considerable latitude would be given in regard to the time, if all is done in good faith.

If a new body of voters appear before the meeting is adjourned, any motion or resolution already passed may be reconsidered and rescinded; but after the adjournment, neither the same nor another body of voters, can reorganize the meeting and pass any vote that shall be binding on the district.

(Section 14.) This must refer to the annual meeting, since no special meeting can be held without "due notice," under any circumstances. But section 12 says the annual meeting *shall* be held on the first Monday in September, and every Administration of the Department of Public Instruction has held that an annual meeting without notice is legal, whatever the cause of such omission may be. The whole provision of section 14 appears inconsistent and nugatory. (For forms of notice, see Nos. 5 and 7.)

(Section 16.) When a voter is challenged, the moderator should read the two forms of oath in this section, and the party challenged may choose which he will take. If he swears falsely, he incurs the penalty as given in the next section; but his

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inhabitants as aforesaid, the school inspectors of the township or townships in which the district is situated shall determine where such site shall be, and their determination shall be certified to the director of the district, and shall be final; subject to alteration afterward by the inspectors, on the written request of a majority of the qualified voters of the district.

like two-thirds vote, be directed to fix the precise boundaries; the quantity of land being agreed upon. Less than this would leave the decision of very doubtful legality.

When the inhabitants cannot agree upon a site, the voters should instruct the director immediately to notify the inspectors of the fact. The law, however, does not prevent the inspectors from taking action without such notice. It is believed that, after repeated trials and failures of the district to agree, the inspectors may act; but, once established by the inspectors, the site cannot be changed by any vote of the district. Nor can the inspectors alter the site so established, except when requested by a majority of the voters. And when such request is made, they are not bound by the wish of said majority as to the location. If so, the law might just as well have let a majority, instead of two-thirds of the voters, establish the site in the first instance.

It is provided in section 153, that in case of districts having more than three hundred children, when two-thirds of the voters cannot agree upon a site, a majority of the voters present may instruct the district board to locate such site. We see no reason why any district may not so instruct or empower the board, or a committee, by a *two-thirds* vote.

The term "site" we understand to mean place, location, situation, and not necessarily size or quantity; and it is believed that the size of the site may be determined by a majority vote.

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(3604.) SEC. 24. They shall also determine, at such annual meeting, the length of time a school shall be taught in their district during the ensuing year; which shall not be less than nine months in districts having eight hundred children over five and under twenty years of age, and not less than five months in districts having from thirty to eight hundred children of like ages, nor less than three months in all other districts, on pain of forfeiture of their share of the two-mill tax and primary school fund; and whether by male or female teachers, or both; and it shall be the duty of the district board to estimate the amount necessary to be raised, in addition to other school funds, for the entire support of such school, including fuel and other incidental expenses, and for deficiencies of previous year, and, previous to the second Monday in October, make a written report of the amount so determined, to the supervisor of the township in which any part of said district may be situated; and the same shall be levied upon the taxable property of the district, collected and returned in the same manner as township taxes. A school month, within the meaning of this act, shall consist of four weeks, of five days in each week, unless otherwise specified in the teacher's contract.

with some of the weights and measures, are equally important in primary arithmetic.

Books of reference may embrace a large dictionary, a gazetteer, a general cyclopedia, dictionaries of dates, of biography, and any other books useful for reference in the studies of the school. A special act authorizing districts to buy a dictionary, passed in 1857 (Compiled Laws, page 1216), was repealed by its own limitation in 1858.

"Appendages" will include chairs, tables, or desks, pails, brooms, and anything necessary for the convenience and comfort of the school.

Section 48 decides that the director may provide anything in the character of "appendages" without any vote of the district. See note to section 48.

(3605.) SEC. 25. In case any of the matters in the preceding section mentioned are not determined at the annual meetings, the district board shall have power, and it shall be their duty, to determine the same; and in case the district fails to vote for at least the minimum length of school required by said section, it shall be the duty of the said board to make the necessary provisions for said minimum length of school.

(Sections 24 and 25.) Section 24 determines the minimum length of school to entitle the district to its two-mill tax and primary school moneys; and authorizes the annual meeting to vote additional time, and determine the sex of teachers. The amount of tax to be raised to carry on the school and pay deficiencies of a previous year is to be determined by the board without any vote of the district. These questions of time and sex are limited to the annual meeting, or to a special meeting within two months previous. (Section 12.) If a special meeting is called under section 12, the action, or non-action of that meeting will be final; and if the questions are not then decided, the whole matter goes at once into the power of the board as provided in section 25.

It has been held that a special meeting, called for that purpose, may reconsider and repeal the votes of the annual meeting, authorized by section 24, and, should circumstances arise absolutely requiring the repeal of those votes, a special meeting should be called for that purpose. But the power of the special meeting would still be limited to a repeal. The action of the annual meeting being set aside, the determination of the matter rests in the hands of the district board, as would have been the case if the annual meeting had not voted.

Section 24 defines what shall be a "school month," in the absence of any written agreement upon the subject, but does

(3606.) SEC. 26. Said qualified voters may also, at any regular meeting, authorize and direct the sale of any school-house, site, building, or other property belonging to the district, when the same shall no longer be needed for the use of the district.

(3607.) SEC. 27. They may also give such directions and make such provisions as they shall deem necessary in relation to the prosecution or defense of any suit or proceeding in which the district may be a party, or interested.

(3608.) SEC. 28. All persons, residents of any school district, and five years of age, shall have an equal right to attend any school therein; and no separate school or department shall be kept for any persons on account of race or color: *Provided*, That this shall not be construed to prevent the grading of schools according to the intellectual progress of the pupils, to be taught in separate places as may be deemed expedient.

not prohibit the board from agreeing with a teacher upon a different number of days.

The last clause in section 25 does not limit the board to the minimum length of school. The question is wholly with them, and they may unquestionably provide for a longer term of school if they see fit.

(Section 27.) If the voters do not choose that the assessor shall appear for the district in any suit, they may direct, under this section and section 36, what person shall appear, and may employ counsel and vote taxes to carry on the suit.

(Section 28.) This gives no person any absolute right to attend any school; but gives to any one person all the rights enjoyed by any others. A resident of the district, of whatever age (above five years) or nation, or color, has an equal right with all others, to attend school free. This, however, will not prevent the board from excluding, by a general rule, such as are *not fit subjects* of common school education: as those who are blind, who have contagious disease, whose character is such as to endanger the morals of the pupils; but it does, and was

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moderator or person presiding may order him to withdraw from the meeting, and on his refusal, may order any constable, or other person or persons, to take him into custody until the meeting shall be adjourned.

(3611.) SEC. 31. Any person who shall refuse to withdraw from such meeting on being so ordered as provided in the preceding section, and also any person who shall willfully disturb such meeting, or who shall disturb any district or graded school by rude and indecent behavior or by profane or indecent discourse, or in any other way make such disturbance, shall, on conviction thereof, be punished by a fine not less than two nor more than fifty dollars, or by imprisonment in the county jail not exceeding thirty days; and any justice of the peace, recorder, or police justice of the township, ward, or city where such offense shall be committed, shall have jurisdiction to try and determine the same.

(3612.) SEC. 32. The assessor shall pay all orders of the director, countersigned by the moderator, out of any moneys in his hands belonging to the fund upon which such orders may be drawn.

SEC. 33, 34, 35, Repealed.

(*Section 31.*) The law regards the rights of a school meeting, and more particularly of a school, too important to be trifled with. All persons should know when they disturb a school, that they are engaged in dangerous business.

(*Section 32.*) The assessor cannot legally pay the warrants of the director, except from proper funds. He cannot pay a warrant for teachers' wages from the library moneys, nor a warrant for building or incidental expenses from primary school moneys or two-mill tax. Nor is he obliged or permitted to pay a warrant for teachers' wages from public school moneys if he knows the teacher to be not legally qualified.

The assessor should not pay an order for what he believes to be an illegal object, until he can consult with the other members of the board and have the question fully investigated.

(3613.) SEC. 36. The assessor shall appear for and on behalf of the district in all suits brought by or against the same, when no other directions shall be given by the qualified voters in district meeting, except in suits in which he is interested adversely to the district, and in all such cases the director shall appear for such district, if no other direction be given as aforesaid.

DIRECTOR.

(3614.) SEC. 37. The director shall be the clerk of the district board, and of all district meetings when present; but if he shall not be present at any district meeting, the qualified voters present may appoint a clerk of such meeting, who shall certify the proceedings thereof to the director, to be recorded by him.

(3615.) SEC. 38. The director shall record all the proceedings of the district in a book to be kept for that purpose, and preserve copies of all reports made to the school inspectors, and safely preserve and keep all books and papers belonging to his office.

(Section 36.) For directions for suits, etc., against school districts, see sections 122 to 128. See also section 27.

(Sections 37, 38.) As the director's record of proceedings is *prima facie* evidence of the facts set forth in it, great care should be taken to make it a full and explicit history of the proceedings; and it should be read for correction and approval before the adjournment of the meeting.

The record of a special meeting should state by whom the meeting was called, and the objects mentioned in the notice, as the legality of the proceedings depends upon the legality of the call and the conformity of the proceedings to the objects stated in the notices.

The record of a district meeting is *prima facie* evidence of legality; but any action had at such meeting, that can be proved by positive testimony, must be held as legal.

3616. SEC. 39. The district board shall hire such qualified teachers as may be required; and all contracts shall be in writing, and signed by a majority of the board on behalf of the district. Said contract shall specify the wages agreed

(Section 39.) This section gives the authority to a majority of the district board to employ teachers, whether the director is one of that majority or not. The director is merely the legal agent for making the contract, and has only an equal voice with the other members of the board in the choice of a teacher. The other officers may execute the contract if the director shall refuse. They should never proceed, however, to make and sign the contract without consulting the director. The law prefers, for the sake of regularity, that he shall make all contracts with teachers, and he has a right to do so until he refuses.

When not otherwise stipulated in the contract, the *month* will mean four weeks of five days each. (See section 24.) Twenty consecutive days will not meet the requirements of the law. Experience has shown that five days school in each seven will generally accomplish as much in a year, or a term, as six in seven.

No law but that of custom recognizes any exemptions for holidays; and it is therefore wise to have such holidays as may be agreed upon specified in the contract.

This question of holidays is a vexed one, which we are often required to answer. We are only able to express the belief that where there was no understanding between the board and teacher in making the contract, the teacher will be entitled to holidays, well established as such in public opinion, unless former custom in the district has been pretty uniformly different.

As this section authorizes the director to contract with

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tor with a correct copy of the same at the close of the school. Said contract shall be filed with the director, and a duplicate of the same furnished to the teacher.

SEC. 40. Repealed.

case of a teacher's temporary absence by sickness or any other cause, the place should be supplied with some duly qualified person selected by the board. Nor is any district entitled to public money unless all its teachers are "qualified" as the law requires.

A correct copy of the teacher's school record is usually indispensable to the proper discharge of the director's duties: hence the director may refuse, and should refuse to issue an order for the teacher's wages until the proper record is furnished him as required by this section.

The teacher may be held responsible to the district board for the efficient discharge of every duty properly attaching to the office of teacher, including the oversight and preservation of school buildings, grounds, furniture, apparatus, and other school property, as well as the more important work of instruction and government. Such labor, however, as sawing wood, making fires, and sweeping the floors in the school-house, is no appropriate part of a teacher's duty; and its performance by the teacher cannot be legally enforced by the board, unless the teacher has voluntarily stipulated to do it. The cost of the work is properly chargeable to the "contingent fund," and in all well-regulated districts and schools this course is pursued. If teachers voluntarily assume these duties as a matter of convenience and economy to the district, it is all very well.

"All contracts shall be in writing;" therefore, a verbal agreement is no contract, and cannot be enforced by either

the ages aforesaid, residing in the district, which affidavit may be made before the clerk of the township; and said list shall be returned with the annual report of the director to the township clerk. Children in alms-houses, prisons, or asylums, not otherwise residents of the district and not attending the school, shall not be included in the said census, nor shall Indian children be so included, unless they attend the school, or their parents are liable to pay taxes therein.

SECS. 42, 43, 44, 45, 46, 47. Repealed.

(3618.) SEC. 48. The director shall provide the necessary appendages for the school-house, and keep the same in good condition and repair during the time school shall be taught

included who is *twenty* years of age. Being married does not exclude from the census, if the person is under twenty.

If, in taking the census, a child is found who has moved into the district within the ten days mentioned, inquiry should be made whether his name has been taken in the district from which he came; and if it has, he must not be included. This is but just, as the public money to be paid on his account the ensuing year, is the result of the school in the district during the year then closing.

The census list must be sworn to by the person taking it, to entitle the district to public money; and the town clerk should see that it is done.

(Section 48.) The director is authorized and required to procure all needful appendages and repairs, without any vote of the district in the case. It is not optional with the district to pay such expenses. When audited by the moderator and assessor, the account becomes a valid claim against the district, and can be collected if the district fails to pay it.

The law has wisely empowered one officer, and made it his duty to keep the school-house in good repair. He should procure such books for records, or blanks for statistics as he deems

therein, and shall keep an accurate account of all expenses incurred by him as director; such account shall be audited by the moderator and assessor, and on their written order shall be paid out of any money provided by the district for such purposes.


(3619.) SEC. 49. He shall present at each annual meeting, an estimate of the expenses necessary to be incurred during the ensuing year for such purposes, and for payment for the servi-

needful; see to it that the windows are properly filled with glass; that the stove and pipe are in a fit condition, and suitable wood provided; that the desks and seats are in good repair; that the out-houses are properly provided with doors, and are frequently cleansed; that the black-boards are kept painted, and everything is provided necessary for the comfort of the pupils and the success of the school. Under our laws, a great responsibility rests upon the director, and on his promptitude and faithfulness depends the usefulness of the school.

This section does not give the director power, nor has the board such power, to buy *apparatus*, without a vote of the district. By *apparatus*, we understand, generally, any thing that is to be used in giving instruction; as globes, maps, &c.

The extent of repairs, or the amount of expense he may incur, are not defined; and his power in these respects will depend very much upon circumstances, and the necessity of the case. In case of complaint that he has exceeded his powers, the accuser would have to prove that he has incurred an expense plainly unnecessary.

(Section 49.) Section 24, as amended at a later date than section 49, provides that the board shall estimate the amount needed for the ensuing year, "for the entire support of the school, including fuel and other necessary expenses," and report it to the supervisor, superseding the necessity of the



ces of any district officer; and such amount, when voted by such annual meeting, shall be assessed and collected in the same manner as other district taxes; but no tax for these purposes shall be voted at a special meeting, unless a notice of the same shall be expressed in the notice of such meeting.

(3620.) SEC. 50. He shall give the prescribed notice of the annual district meeting, and of all such special meetings as he shall be required to give notice of, in accordance with the provisions of this chapter, one copy of which for each meeting shall be posted on the outer door of the district school-house, if there be one.

(3621.) SEC. 51. The director shall draw from the township library the proportion of books to which his district may be entitled, and return the same to the township library at the expiration of three months, and shall continue to draw books in like manner, at the expiration of every three months, and to return the same as aforesaid.

(3622.) SEC. 52. He shall distribute the books drawn out by him, to the parents or guardians of the children of the district of the proper age, for the time and under the restrictions contained in the rules prescribed by the board of school inspectors.

(3623.) SEC. 53. He shall draw and sign warrants upon the township treasurer for all moneys raised for district purposes, or apportioned to the district by the township clerk, payable to the assessor of the district, and orders upon the assessor for

district voting the tax as previously done under section 49. This will include any *expenses* incurred by a district officer (section 48); but they cannot report any amount for his *services* until the district has voted how much he shall be paid.

(Sections 51 and 52.) In townships in which the district library system has been adopted, these sections have become obsolete. But in fractional districts, lying partly in townships which still have township libraries, the director may continue to draw from the township library the share of books due his district.

all moneys to be disbursed by the district, and present them to the moderator to be signed by him.

(3624.) SEC. 54. The director shall also, at the end of each school year, deliver to the township clerk, to be filed in his office, a report to the board of school inspectors of the township, showing:

First, The whole number of children belonging to the district between the ages of five and twenty years, according to the census taken as aforesaid;

Second, The number attending school during the year under five, and also the number over twenty years of age;

(Section 53.) Mark that all warrants on the town treasurer must be drawn *payable to the assessor*.

As several of the funds belonging to the district cannot be used for any other than their own special objects, the director's order should specify the purpose for which the money is to be paid, and the fund,—as *teachers' wages fund, contingent fund, &c.*,—out of which it is to be paid. (See notes on sections 29 and 32.)

No moneys shall be drawn into the hands of the assessor till he has given the proper bonds. (See section 61.)

(Section 54.) The director's report should be made out so as to be presented at the annual meeting for approval or correction. The only item in the report having any reference to the annual meeting, is the name of the director for the ensuing year. Any other business of the annual meeting will refer to the next annual report, as the first Monday in September belongs in the ensuing year.

Three blanks for the annual report to the school inspectors are annually forwarded to each director, who should see that the same are obtained from the County Superintendent or township clerk before the first of September.

On the back of one blank the director will find important

Third, The whole number that have attended school during the year ;

Fourth, The length of time the school has been taught during the year by a qualified teacher, the name of each teacher, the length of time kept by each, and the wages paid to each ;

Fifth, The average length of time scholars between five and twenty years of age have attended school during the year ;

Sixth, The amount of money received from the township treasurer, apportioned to the district by the township clerk ;

instructions for making his report. All are alike on the face. The census list should be made out on the other two, the affidavit filled out on both, and the two delivered to the town clerk immediately after the annual meeting. These two should be corrected if necessary, and made alike in every particular, and the town clerk will file one in his office and forward the other to the office of Public Instruction, at Lansing

By having these to compare with the inspectors' reports, errors and omissions are often discovered, by which the districts save the primary school money, when they would otherwise lose it. But the inspectors must also make their report, to entitle any district to public money.

The directors' reports not only furnish the basis for the distribution of the primary school moneys, but also the facts upon which any sound opinion can be formed of the success of the school system, and of the character and extent of the amendments which may need to be made. Directors, therefore, should use the utmost care and diligence to make their reports full and correct. A failure to make full and accurate reports may cost the district its share in the primary school moneys.

In fractional districts, full annual reports are only to be made to the clerk of the township in which the school-house is situated ; and this report must embrace the number of chil-

Seventh, The amount of money raised by the district, and the purposes for which it was raised ;

Eighth, The kinds of books used in the school ;

Ninth, Such other facts and statistics, in regard to schools and the subject of education as the Superintendent of Public Instruction shall direct.

DISTRICT BOARD.

(3625.) SEC. 55. The moderator, director, and assessor shall constitute the district board.

dren, and the statistics of the entire district. (See section 81.) The *number of children* in each fractional part of the district must also be reported to the clerk of the township in which such fractional part is situated. (See section 82.)

Directors sometimes complain that too many details in the statistics are required of them; but they are much less in number than are obtained in several other States.

The law no longer requires a record of attendance to be kept by the teacher for the purpose of a rate-bill; but it must still be kept under the provisions of sections 39 and 54. The teacher must keep a roll of all who are regular pupils, and each half-day, mark each one present or absent. At the close of the term, add together the number of days attendance of all the pupils, and divide this sum by the number of pupils. This gives the average number of days' attendance. This quotient, divided by the number of school days in a month, will give the average months' attendance in the term. If there is more than one term in the year, add the averages of the several terms together and divide by the number of terms, and it will give the average for the year, as required in No. 5 of the director's report. Directors should see to it at the commencement of each term that this record is properly kept.

(*Section 55.*) In graded or high school districts, often, with

(3626.) SEC. 56. Said board shall, between the first Monday in September and the second Monday in October, in each year, make out and deliver to the supervisor of each township in which any part of the district is situated, a report in writing under their hands, of all taxes voted by the district during the preceding year, and of all taxes which said board is authorized to impose, to be levied on the taxable property of the district.

very little propriety, called union school districts, the district board, as provided by section 148, etc., consists of six trustees.

A majority of the district board may exercise the powers of the board; but each member has a right to be consulted, unless he shall be absent from the district when any action must be taken.

Upon the ability and faithfulness of the district board, the success of the school mainly depends. The voters should bear this in mind in the election, that the taxes they pay may be made to accomplish the greatest possible good. Any woman who pays taxes is eligible to office, and districts might often do well to elect such. [See Appendix B.]

(Section 56.) The district board must include in their report the taxes voted at any special meeting during the year up to the time of making the report; but no tax that has to be voted by the district should be reported till it is finally passed upon. If the meeting that voted it is adjourned to meet at some later day, the tax should not be reported till after the adjourned meeting is held, provided the same is not beyond the said second Monday in October, unless the voters specially direct it to be reported. The supervisor can assess a tax reported to him after the second Monday in October, but he cannot be compelled to do so.

The taxes which the district board are authorized to report

(3627.) SEC. 57. The district board may purchase, at the expense of the district, such school books as may be necessary for the use of children when parents are not able to furnish the same, and they shall include the amount of such purchases in their report to the supervisor or supervisors, to be assessed as aforesaid; they shall also prescribe a uniform list of text-

to the supervisor without a vote of the district are: the expense for books furnished to indigent pupils, under section 57, and the amount estimated by them for all expenses under section 24. The assessor is to report the amount of any judgment against the district. (Section 125.)

(Section 57.) The text-books purchased for indigent children are the property of the district, and should be taken care of by the district board when not in use. (See section 65.)

The duty to prescribe text-books is imperative, and its prompt performance is demanded by the best interests of the district.

(By a special act of 1873, Berrien county has a county board to prescribe, and contract for, uniform text-books throughout the county.)

Though the board cannot change the books within two years, they may add a new text-book to the list, in any branch not provided for in the list first prescribed. Text-books should be provided for all common branches, including United States History, Science of Government, and, if needed, Natural Philosophy, Physiology, and Algebra.

No pupil can claim to receive instruction in any other text-books than those prescribed by the district board; nor is the teacher at liberty to introduce any new text-book without the action of the board.

The last clause in the section gives the board large power in adopting rules for the school. This power they should exer-

books to be used in the said school; but text-books once adopted, shall not be changed within two years, except by the consent of a majority of the voters at some regular meeting. They shall have the general care of the school, and may establish all needful regulations for its management.

(3628.) SEC. 58. Said board may admit to the district school non-resident pupils, and may determine the rates of tuition of

cise in the adoption of such rules as will best secure punctuality in attendance, good order in school, and the most rapid advance of pupils in intelligence.

The power to adopt rules implies power to enforce them; and the board may undoubtedly attach such reasonable penalties as they see fit.

(Section 58.) Non-resident pupils are those whose parents or guardians are not residents of the district. Such pupils do not become residents merely by boarding in the district while attending school. A citizen of the district, employing temporarily a minor whose parents or guardians reside out of the district, should not report such minor in the school census, and cannot claim to send him as a resident pupil to the school. Instances have been known where persons have moved into a district and "kept house," for the sole object of attending school; intending to move away as soon as the school closed. This is held to be a mere evasion of the law, and the board has a right to consider them non-residents. Yet the residence of the *pupil*, and not of the parent, may sometimes determine his right to attend school. The parent, for example, may reside in one district and the child be an apprentice in another. In such case he must be permitted to attend school in the district in which *he resides*. But if the parent sends him into another district to remain for a limited time, and perhaps for the evident purpose of attending a better

such pupils, and collect the same ; and they may authorize or order the suspension or expulsion from the school, whenever, in their judgment, the interests of the school demand it, of any pupil guilty of gross misdemeanor or persistent disobedience.

(3629.) SEC. 59. They shall purchase or lease a site for a school-house, as shall have been designated by the district, in

school, it is clearly an evasion of the law ; and in such case he can only attend on such terms as the district board may prescribe.

A child who has no parent or guardian, or having them, is thrown upon the world to "shirk for himself," should be regarded, in reference to his residence, in the same light as if he was of full age. Not a few persons can be said to have no settled home. And yet, they must be regarded as having a "residence" somewhere. All the circumstances should be considered, and the law should be construed liberally (especially in the case of poor children) for the cause of education.

When a district board decide to admit non-residents to the school, they should fix at once upon the rate of tuition, that it may be announced to such pupils on entering the school.

The board may authorize the teacher to suspend or expel incorrigible pupils, in his discretion. A pupil suspended should not be re-instated without the consent of the board. Expulsion means a penal and *final* separation. It has been decided by the legal tribunals, that a person of depraved and infamous character, as a prostitute, may be forbidden the school, even though guiltless of any offense against the rules of the school. (For further remarks see appendix.)

(Section 59.) In case the site designated cannot be purchased for the price the district offers, and in case a good and valid

the corporate name thereof, and shall build, hire, or purchase such school-house out of the fund provided for that purpose, and make sale of any site or other property of the district, when lawfully directed by the qualified voters, at an annual or special meeting: *Provided*, That the district shall not in any case build a stone or brick school-house upon any site, without having first obtained a title in fee to the same, or a lease for ninety-nine years; and also, that they shall not in any case build a frame school-house on any site for which they have not a title in fee, or a lease for fifty years, without securing the privilege of removing the said school-house when lawfully directed so to do by the qualified voters of the district, at any annual or special meeting: *Provided, also*, That the qualified voters of the district may appoint a building committee to take charge of the work of building such school-house. (3630.) SEC. 60. The district board shall apply and pay over

title cannot be obtained for any reason, section 154, etc., provides for calling a jury to determine on a price.

It is a well settled principle of law, that public officers cannot use their trusts for their own benefit. The district board cannot sell a site or school-house to themselves. The legal voters, however, in regular meeting, may direct the sale to be made to any member of the board.

When the district has agreed upon a site, the board are to make the purchase or lease without a special vote directing them so to do; but the building, etc., or selling, will require a special direction.

The extent of the powers of the building committee may be simply to oversee the work, or it may be to get up the plan, let the contract, and do all of the business. A vote appointing such a committee should always specify just what they are to do. But the director and moderator alone can draw orders to pay any of the expenses.

(Section 60.) The practice of some districts in employing a

all school moneys belonging to the district, in accordance with the provisions of law regulating the same, as may be directed by the district; but no school moneys apportioned to any district shall be appropriated to any other use than the payment of teachers' wages, and no part thereof shall be paid to any teacher who shall not have received a certificate as required in this chapter, before the commencement of his school.

(3631.) SEC. 61. The moderator and director shall require of the assessor, and the assessor shall execute to the district, a bond in double the amount of money to come into his hands as such assessor during the year, as near as the same can be

teacher, and getting him inspected some time after commencing his school, is entirely illegal and wrong, being calculated to defeat the very end and purpose of all inspection. The language of the law is plain and decisive, and school inspectors and county superintendents should see it enforced.

If through any necessity, a teacher begins a school before getting a certificate, the time thus taught before receiving a certificate cannot be counted as any part of the time a school is required to be taught by a qualified teacher. When such teacher receives a certificate, a new contract should be made and signed, as though no school had been previously taught by him in the district.

Any surplus of the two-mill tax, after eight months of school have been maintained, during the year, may be used for other school or library purposes. (See section 172.)

(Section 61.) The moderator and director must require this bond of the assessor before giving him any warrant on the township treasurer for any moneys. If he fails or refuses to give bonds when demanded, he vacates his office; but he is not required under any penalty, to offer his bonds till demanded.

If the moderator and director shall give the assessor the custody of moneys belonging to the district without first

ascertained, with two sufficient sureties, to be approved by the moderator and director, conditioned for the faithful application of all moneys that shall come into his hands by virtue of his office.

(3632.) SEC. 62. Such bond shall be lodged with the moderator, and in case of any breach of the condition thereof, the director shall cause a suit to be commenced thereon in the name of the district, and the money, when collected, shall be paid into the township treasury, for the use of the district, subject to the order of the proper district officers.

(3633.) SEC. 63. Said board shall present to the district, at each annual meeting, a report in writing, containing an accurate statement of all moneys of the district received by them, or any of them, during the preceding year, and of the disbursements made by them, with the items of such receipts and disbursements.

requiring bonds of him, they commit a gross violation of official duty, and are liable not only to pay the penalty prescribed, but in case any loss results to the district from their neglect, they are liable to the district for the loss occasioned thereby. This is the more important, now that the law requires all the district funds to go into the hands of the assessor before being paid out by the district.

The assessor's bond is the security that the funds will at all times be forthcoming when called for. He may use the money in his hands, but he assumes all the risk. If he cannot raise it when wanted by the district, his bail will be holden therefor, and he incurs the penalty for using district funds for private purposes. An assessor should never use, or allow to be used, a dollar of the funds of the district for private purposes.

(Sections 63 and 64.) This report is very important, as, without it, the district has no means of knowing the state of its finances, or whether the funds have been legally applied. When

(3634.) SEC. 64. Such report shall also contain a statement of all taxes assessed upon the taxable property of the district during the preceding year, the purposes for which such taxes were assessed, and the amount assessed, for each particular purpose, and said report shall be recorded by the director in a book to be provided and kept for that purpose.

(3635.) SEC. 65. The said district board shall have the care and custody of the school-house and other property of the district, except so far as the same shall by vote of the district be specially confided to the custody of the director, including all books purchased for the use of indigent pupils, and shall open the school-house for public meetings unless by a vote at a district meeting it shall be determined otherwise: *Provided*, That said board may exclude such public meetings during the five school days of each week of any and all school terms, or such parts thereof as in their discretion they may deem for the best interest of the schools.

it is made out, the director can readily make his report; and he, as the clerk of the board, should see that it is properly done, and in time. District boards are earnestly urged not to neglect so important a duty. It is required as well in justice to themselves as to the district. School officers are often suspected of using the funds of the district, and they are unable to prove their innocence, simply because they have not kept a careful record of every transaction, and consequently could not make a full report.

Whenever the board are not prepared to make the report to the annual meeting, the meeting should not adjourn *sine die*, but to a future day, as early as may be, when the board shall be prepared and required to make the report.

(Section 65.) This requirement to open the house for public meetings, unless the district votes otherwise, must be construed to mean meetings not inappropriate to the character of the house. The reference is undoubtedly mainly to religious meet-

(3636.) SEC. 66. It shall be the duty of said board to fill by appointment, without delay, any vacancy that shall occur in their own number; or they shall call a special meeting of the district to fill such vacancy by an election.

(3637.) SEC. 67. Every school district office shall become vacant upon the incumbent ceasing to be a resident of the district for which he shall have been elected, or upon the happening of either of the events specified in section three, of chapter fifteen, of the revised statutes of eighteen hundred and

ings; but as the term is general, it must be held to include musical, literary, or other meetings designed for the public welfare. The district may vote to exclude all meetings, or to admit some and exclude others; and it might sometimes relieve the board from embarrassment, if the annual meeting decided the question.

(Section 66.) This requires the board to fill the vacancy without delay, or to call a special meeting, as they prefer; but if they neglect to make the appointment "without delay," (ten days may be deemed a reasonable time) they forfeit their right to fill the vacancy, and must call a special meeting. In either case, the vacancy is filled for the unexpired portion of the term.

In case two of the district offices shall be vacant at once, the remaining member cannot fill the vacancies, as he does not constitute a majority of the board, and cannot exercise the powers thereof. On the written request of five legal voters, he may call a special meeting to fill vacancies.

(Section 67.) Should all the offices be vacant at once, no special meeting can be called, and the inspectors should appoint officers to fill the vacancies, as provided by section 146.

If an annual meeting occurs when all the offices are vacant, the meeting may organize by appointing a chairman and clerk

forty-six; and in case of temporary absence, or positive disability of a district officer to perform any necessary duty of his office, the board may appoint a substitute for the time being, who shall be subject to all the requirements and responsibilities of the office.

pro tem., and proceed to an election for the unexpired portions of the several terms.

The occurrence of any of the following events will create a vacancy in a school district office :

First, The death of the incumbent;

Second, His resignation;

Third, His removal from office;

Fourth, His removal from the district;

Fifth, His conviction of any infamous crime;

Sixth, His election or appointment being declared void by a competent tribunal;

Seventh, His neglect to file his acceptance of office, or to give or renew any official bond, according to law. (Compiled Laws, Chap. 11, Sec. 617, p. 266.)

The resignation of a district officer must be made to the other members of the district board, or to one of them, and should be in writing. (Compiled Laws, Chap. 11, Sec. 1, p. 265.)

Temporary absence from home will not vacate an office; but if such absence creates embarrassment the holder ought to resign. But, if he does not, or in case of other disability, the board may make a temporary appointment; and in case of an assessor thus appointed, he must file his bonds the same as if his appointment was permanent.

A person claiming to be a legal officer, and in possession, cannot be voted out by the board, but should be proceeded

TOWNSHIP BOARD OF SCHOOL INSPECTORS.

(3638) SEC. 68. The inspectors elected at the annual township meetings, together with the township clerk, shall constitute the township board of school inspectors; and the inspector elected at the annual township meeting, having the shortest time to serve, shall be chairman of said board, and the said township clerk shall be the clerk thereof.

against by a writ of mandamus or *quo warranto* before the Circuit Court.

A person refusing to deliver official books and papers to his successor is guilty of a misdemeanor, and may be prosecuted before any Court of Record or Circuit Court Commissioner. (Compiled Laws, Chap. 220, p. 1933, etc.)

(Section 68.) The office of school inspector was not created by that chapter of the statutes known as "The Primary School Law." It will be found as follows:

"There shall be elected annually, on the first Monday of April, in each organized township, * * * one township clerk, who shall be *ex officio* school inspector," * * * and one school inspector. (Article 11, Sec. 1 of the Constitution.)

"The annual meeting of each township shall be held on the first Monday of April in each year; and at such meeting there shall be an election (by ballot) for * * * one school inspector." (Compiled Laws, Chap. 12, Sec. 8, p. 272.)

"Each school inspector elected as aforesaid, shall hold his office for two years, and until his successor shall be elected and qualified, except when elected to fill a vacancy; in which case he shall hold during the unexpired portion of the regular term: *Provided*, That where there shall have been no previous election for school inspectors in any township, there shall be two such inspectors elected, one for one year and one

(3639.) SEC. 69. The chairman of said board shall be the treasurer thereof, and shall give bond to the township in double the amount of library moneys to come into his hands during his term of office, as near as the same can be ascertained, with two sufficient sureties, to be approved by the township clerk, conditioned for the faithful appropriation of all moneys that may come into his hands by virtue of his office.

(3640.) SEC. 70. Said bond shall be filed with the township clerk, and in case of the non-fulfillment thereof, said clerk shall cause a suit to be commenced thereon, and the moneys collected in such suit shall be paid into the township treasury, for the benefit of the township library.

(3641.) SEC. 71. The inspectors shall divide the township into such number of school districts as may from time to time be necessary, which districts they shall number, and they may regulate and alter the boundaries of the same as circumstances

for two years, who shall severally hold their office accordingly." (Compiled Laws, Chap. 12, Sec. 13, p. 273.)

Sec. 95, Chap. 12, p. 290, of the compiled laws, establishes the compensation of inspectors at one dollar and fifty cents per day.

"A person elected inspector incurs a penalty of ten dollars if he fails to qualify within ten days." (Compiled Laws, Chap. 12, Sec. 55, p. 280.)

"The resignation of an inspector is made to the town board, and filed with the township clerk." (Compiled Laws, Chap. 12, Sec. 56, p. 280.)

(Section 71.) This power to establish and change the boundaries of school districts is a most important one, and on its wise and careful exercise the success and well-being of the school system often depends. The main errors committed in the division of the townships have been the multiplication of small districts too feeble to maintain a good school, and the

shall render proper ; but no district shall contain more than nine sections of land, and each district shall be composed of contiguous territory, and be in as compact a form as may be ; but no land shall be taxed for building a school-house, unless some portion of every legal subdivision of said land shall be within two and one-half miles of said school-house site : *Provided*, That no district shall be divided into two or more dis-

unnecessary increase of fractional districts, which have always proved a fruitful source of error and trouble.

Whenever a school district is divided, each of the districts formed from it has a right, in making its annual report, to embrace the time a school was taught between the commencement of the school year, and the time the division was made, and to add thereto the time a school has been taught in said district subsequently to the division. If each district, reckoning time thus, is enabled to report a school taught the requisite number of months, by qualified teachers, each is entitled to draw public money.

If a new district is created from more than one district, part of which did not have the requisite number of months' school before the division, and the new district has not itself had school the necessary time, in that case the number of children in the territory taken from districts that had the said requisite time of school should be reported to the Superintendent of Public Instruction, as primary school money can be apportioned upon them only.

Where territory is set from one district to another after the annual meeting, and before the next apportionment of primary school money, the apportionment is wholly to the former, upon the census as returned by said district ; and it is for the inspectors to determine, under the provisions of section 75, how much, if any, shall be paid to the other district on

tricts, without the consent of a majority of the tax-payers of said district, and that no two or more districts shall be consolidated without the consent of a majority of the tax-payers of such districts. But this act shall not be construed so as to prevent the detaching of the property of any person or persons, by the inspectors, from one district, and attaching it to another.

account of the territory set off. The same is true of all school moneys accruing until the next annual meeting. The town clerk cannot apportion money to any district except upon its report at the close of the previous year. (See section 97.)

In the formation of school districts, and in the alteration of the same, school inspectors act upon their own discretion, and are not obliged either to wait for, or to regard petitions of the inhabitants; but they should never refuse to show a wise regard for the wishes of the people. They should be slow, however, to yield to the demand for the erection of small districts for the temporary accommodation of small neighborhoods.

Districts organized under the graded school law (section 148) are not restricted to nine sections of land. (Section 165.)

The power of the graded school board to establish several schools in different localities, allows it to supply schools in convenient localities for every part of the district. Inspectors cannot alter the boundaries of such districts without the written consent of a majority of the board.

The boundaries of new or altered districts should be fully described in the resolution of the inspectors, and the number of the district fixed. The resolution should be entered on the record kept by the clerk, and the boundaries delineated on

(3642.) SEC. 72. They may attach to a school district any person residing in a township, and not in any organized district, at his request; and for all district purposes except raising a tax for building a school-house, such person shall be considered as residing in such district; but when set off to a new district, no sum shall be raised for such person as his proportion to the district property.

(3643.) SEC. 73. The inspectors shall apply for and receive from the township treasurer, all moneys appropriated for the township library of their township, and shall purchase the

the township map to be made by the clerk, one copy to be kept in his office, and another given to the supervisor. Care should be used to embrace all the inhabitants and all the territory of the township in some of the several districts when finally organized.

By section 91, the inspectors are required to give ten days' notice of meetings to form or alter boundaries of districts. Without such notice their action will not be legal. Appeal may be made from the action of the inspectors, to the township board. (See sections 173, 174, 175.)

The $2\frac{1}{2}$ miles, to be consistent with the object of the restriction, must be understood to mean two and one-half miles by the nearest practicable route. If any part of the surveyed 40 acres lies within that distance, the whole "forty" is taxable.

The proviso to section 71 was enacted in 1873. Under it a district cannot be destroyed by attaching it to another district or districts, without the consent of the tax-payers of the districts.

(Section 73.) The library moneys referred to, include whatever may be voted from the two-mill tax annually, at the township elections, as provided by section 107, and the moneys received from fines, penalties, forfeited recognizances, &c., from the county treasurer. The inspectors should apply to the

books, and procure the necessary appendages for the township library, and make such rules for the regulation thereof, and the preservation of the books contained in it, as they may deem proper.

county treasurer between the fifth and tenth of April each year, for the money from such fines, &c. Were the boards of supervisors, and other officers charged with this matter, careful to see that these fines and penalties were paid over by those collecting them, and forfeited recognizances were prosecuted, many thousands of dollars would annually accrue to the library fund that are now lost.

The inspectors have nothing to do with taxes voted by districts for their libraries under section 23.

Wherever the township library has been divided into district libraries, under the law providing for such division, the town clerk should annually apportion the library moneys to the districts, to be expended by the district boards for books.

This authority to select books for the township libraries is one of the greatest importance, and should be exercised with the utmost care and circumspection. Good books are great blessings. They are the cheapest and most efficient educational agencies known; and the school library is justly esteemed a needful and valuable auxiliary to our public school system. Care should be taken to select, to a considerable extent, such books as will prove interesting and instructive to the young, from ten to twenty years of age. Let the taste for reading good books once be strongly established, and our pupils will not only use the library, but will go beyond that, and seek to supply themselves, even at their own expense, with the means of gratifying their appetite for learning.

The law requires a list of library books to be selected and

SEC. 74. They shall appoint one of their number to visit each school in the township having a qualified teacher, at least once in each school term in which a school is taught, who shall inquire into the condition of such schools, examine the scholars, and give such advice to both teachers and pupils, as he may think beneficial.

contracted for by the State Board of Education, and the inspectors and district boards are required by law to purchase under this contract, unless the township or districts order otherwise. They are also required to expend the library funds annually. But, as the law makes so inadequate provision for the support of libraries, and, consequently, so few books are purchased, no satisfactory contract could be made for some years past, and, until some change for the better is made, town and district boards will be obliged to purchase in every respect upon their own judgment.

(Section 74.) This section is omitted in the compiled laws as having been repealed; but it is in full force in counties having less than ten school districts, which are not entitled to a county superintendent, or while a vacancy may exist in that office, in other counties. The number of townships subject to its provisions is less than fifty; but these, of course, are in the new counties; and a large portion of the districts are feeble in numbers and in means; requiring peculiarly the fostering care of those charged with their oversight. Inspectors are requested to remember the importance of the subject, and to notice, if need be, that it is not optional with them to visit the schools or not, but the law makes the duty imperative, and their oath of office absolutely forbids its neglect.

Inspectors are entitled to one dollar and fifty cents per day for time spent in visiting the schools.

(3644.) SEC. 75. When a new district is formed, in whole or in part, from one or more districts possessed of a school-house, or entitled to other property, the inspectors, at the time of forming such new district, or as soon thereafter as may be, shall ascertain and determine the amount justly due to such new district from any district out of which it may have been in whole or in part formed, as the proportion of such new district of the value of the school-house and other property belonging to the former district, at the time of such division; and whenever by the division of any district, the school-house or site thereof shall no longer be conveniently located for school purposes, and shall not be desired for use by the new district in which it may be situated, the school inspectors of the township in which such school-house and site shall be located, may advertise and sell the same, and apportion the proceeds of such sale, and also any moneys belonging to the district thus divided, among the several districts erected in whole or in part from the divided district.

(Section 75.) 1. When part of a district possessed of a school-house or other property, is set off to another district possessing a school-house, the part set off is not entitled to receive any share of the district property; what it loses in the old district being counted as made up by what it gains in the new.

This section has always been construed to apply to territory set to a district previously organized, as well as to an actually newly-formed district; and, if the district has no school-house, the territory is entitled to such sum from the old district, as the inspectors may award.

The term "entitled to other property," in the third line, must be held to include dues to the district. At the close of the school year, the primary school money, to be apportioned in May following, becomes a due to the district, and in any change made between the time of the annual meeting and the receipt of the money by the district it should be taken into

(3645.) SEC. 76. Such proportion shall be ascertained and determined, according to the value of the taxable property of the respective parts of such former district at the time of the division, by the best evidence in the power of the inspectors; and such amount of any debt due from the former district, which would have been a charge upon the new had it remained in the former district, shall be deducted from such proportion: *Provided*, That no real estate thus set off, and which shall not have been taxed for the purchase or building of such school-house, shall be entitled to any portion thereof, nor be taken into account in such division of district property.

(3646.) SEC. 77. The amount of such proportion, when so ascertained and determined, shall be certified by the township clerk to the supervisor of the township, whose duty it shall be to assess the same upon the taxable property of the district retaining the school-house or other property of the former district, in the same manner as if the same had been authorized by a vote of such district; and the money so assessed shall be placed to the credit of the taxable property taken from the former district, and shall be in reduction of any tax imposed in the new district on said taxable property for school district purposes: *Provided*, That, if the district retaining the school-house shall vote to pay, and shall pay, before said taxes are assessed, any portion of said amount to the new district, said amount, as shall be certified by the director and assessor

the account. Section 138 provides for the disposition of taxes assessed, but uncollected at the time of the division.

Difficult questions often occur in the division of districts in relation to the property, debts, &c., for which the law makes no specific provision. In such cases the inspectors must be held to be authorized to settle the rights of the parties on principles of equity, according to their best judgment,—of course, not in conflict with any provision made by the law.

(Section 77.) The proviso was enacted in 1873; and obviates the necessity of raising taxes when the district has money on hand that can be applied to the purpose.

of the new district to the supervisor, shall be deducted from the amount to be assessed as provided in this section.

(3647.) SEC. 78. When collected, such amount shall be paid over to the assessor of the new district, to be applied to the use thereof, in the same manner, under the direction of its proper officers, as if such sum had been voted and raised by said district for building a school-house, or other district purposes.

(3648.) SEC. 79. On the first Saturday of October, in each year, the inspectors shall make triplicate reports, setting forth the whole number of districts in their townships, the amount of money raised and received for township and district libra-

(Section 78.) The last clause of this section plainly indicates that the money may be applied to any district purpose; in other words, the territory on account of which it is paid, is to get the benefit of it in the first taxes raised.

(Sections 79.) The following is the provision in counties having a County Superintendent:

"SEC. 11. The annual reports of the township inspectors provided by Section 79 [of the School Laws], of Chapter 78 of the Compiled Laws, shall hereafter be made to the *County Superintendent*, and he shall, immediately after receiving such reports, file copies of the same in the office of the county clerk, and transmit duplicates thereof, together with such other information as may be required of him, to the Superintendent of Public Instruction. He shall examine into the correctness of the inspectors' reports, and may, when necessary, require the same to be amended, and shall indorse his approval on such as he shall find correct. In case of a vacancy in the office of County Superintendent, the reports of the school inspectors shall be received and transmitted as aforesaid by the county clerk."

The town clerk is therefore required to forward the two copies to the County Superintendent, where there is such an officer in the county.

The necessary blanks for the reports required by this

ries, and such other items as shall from year to year be required by the Superintendent of Public Instruction, together with the several particulars set forth in the reports of the school directors for the preceding year; and the township clerk shall immediately forward two copies of the same to the county clerk, and deposit the other in his office.

section are annually forwarded to the proper officers. Three of these blanks are sent to each township clerk—two for the duplicate copies to be delivered to the county clerks, or County Superintendents, and one to be filed in the office of the township clerk for the use of the board and their successors. (See form No. 31.)

The facts and statements for the inspectors' reports are to be derived mainly from the annual reports of the district directors, required by section 54. Should these reports be deficient in any particulars, or incorrect, the inspectors are not authorized to correct them, except in the case provided for in section 80; and when two districts claim the same children in their census, they should decide where they belong, and correct accordingly. They may, however, and should, where time will permit, notify the director of the deficiency or error, and get the same corrected. In their report to the Superintendent of Public Instruction, the inspectors should furnish such facts within their knowledge, as will explain, as far as may be, the deficiencies or errors therein.

The law requires the director to furnish with his report, a list of the names of the school children of the district, made under oath. (*Section 41.*) If the census list with the affidavit is not furnished, the inspectors should note the fact in their report. As this sworn list is the legal evidence of the number of children of school ages in the district, there is no proper basis for the apportionment of public money to any

(3649.) SEC. 80. It shall be the duty of county school superintendents to furnish to the clerks of the several townships in the county, a list of names of persons to whom they have given certificates to teach in their respective counties, with the date and term of the same; and the inspectors, before making their annual report to the county superintendent, shall examine said list, or in townships having no county superintendent, they shall examine the record of teachers to whom certificates have been given by themselves, and if in any school district a school shall not have been taught for the time required by law during the preceding school year, by a qualified teacher, no part of the public money shall be distributed to such district, although the report from such district shall set forth that a school has been so taught; and it shall be the duty of the board to certify the facts in relation to any such district in their reports to the county clerk or county superintendent.

(3650.) SEC. 81. Whenever it shall be necessary or convenient to form a district from two or more adjoining townships,

district not thus furnishing it. A refusal to furnish it suggests grave doubts of its correctness as to numbers; and the law would justify the inspectors in rejecting the report altogether.

The partial reports from directors of districts whose school-houses are not in the township, should never be copied into the inspectors' reports.

(Section 80.) The list of third-grade certificates, of course, need be furnished only to the clerks of the several towns for which they are given.

No teacher is to be regarded as a qualified teacher who did not hold a certificate at the time of commencing school; nor can he be counted as a legally qualified teacher after his certificate has expired. On such expiration, he must apply for re-examination if he continues to teach. (For "school month," see section 24.)

the inspectors, or a majority of them, of each of such adjoining townships, may form such district, and direct which township clerk shall make and deliver the notice of the formation of the same to a taxable inhabitant thereof, and may regulate and alter such district as circumstances may render necessary. The director of such district shall make his annual report to the clerk of the township in which the school-house is situated.

(3651.) SEC. 82. The director of every district formed as provided in the preceding section, shall also report to the clerk of each township in which the district is in part situated, the number of children between the ages of five and twenty years in that part of the district lying in such township, and books shall be drawn from the library of each township for the use of such district; but the district shall have access to but one such library at the same time, and the said inspectors shall establish the order in which books shall be drawn from each

(*Section 81.*) Whenever the inspectors of two or more townships meet to form or alter the boundaries of fractional districts, a majority of each board is necessary to a decision. A simple majority of the joint boards is not sufficient. Nor can the inspectors of one township alone either add to or take from, the territory of such district situated in their township. It is sometimes the case that the inspectors of one or more townships meet and decide upon a change, and send their decision to the inspectors of another township interested, for their concurrence. This is of very doubtful legality.

(*Section 82.*) The provisions for the annual reports of the directors of fractional districts, demand especial attention. The director should make only one full report [*Section 54*], and that should embrace all the children in the district of proper school age. But he must also certify to the clerk of each of the other townships in which any part of the district is situated, the number of children residing in that part of the district. It is strange that some inspectors from year to year incorporate

township library: *Provided*, That no books shall be drawn from any township library by any district having a district library; but such district shall be entitled to its just proportion of books from the library of any township in which it is partly situated, to be added to the district library, and also to its equitable share of any library moneys raised or received by any such township.

(3652.) SEC. 83. Such school districts already formed from two or more townships, shall continue to be governed by the regulations already established according to law, in relation to the annual reports, and the drawing of books from the township libraries, subject to such changes as may be made in respect thereto by the said inspectors, in conformity with the preceding provisions.

(3653.) SEC. 84. The full amount of all taxes to be levied upon the taxable property of such district, shall be certified by the district board to the supervisor of each township, and each of said supervisors shall certify to each other supervisor within whose township such district is in part situated, the amount of taxable property in that part of the district lying in his township: *Provided*, That where there exists a manifest difference in the valuation of property assessed in fractional districts, composed of territory in adjoining counties, such valua-

this statement into their report, thus causing the district to be returned in two townships. (For reports of taxes in fractional districts, see section 84.)

(Section 84.) Much confusion and trouble has arisen from the assessment of district taxes in fractional districts. The reason of the law will be evident if it is remembered that no tax can be assessed upon any property in any township but by the supervisor of the township. Each supervisor must, therefore, be notified by the district board of the entire amount of the district taxes. Then each supervisor needs to know the entire amount of taxable property in the district. This latter information is furnished by the several supervisors to each other. Each supervisor knowing thus the entire amount of

tion may be equalized for this specific purpose by the township board of the township interested, at a joint meeting held for that purpose, on application of either of the supervisors of said townships; and such supervisors shall respectively ascertain the proportion of such taxes, to be placed on their respective assessment rolls, according to the amount of taxable property in each part of such district.

EXAMINATION OF TEACHERS.

[Sections 85, 86, 87, 88, 89, 90 are not repealed, as stated in the Compiled Laws, except in regard to counties having County School Superintendents. In such counties, also, while a vacancy in the office of County Superintendent may exist, they are in full force.]

SEC. 85. It shall be the duty of the inspectors to examine all persons offering themselves as candidates for teachers of primary schools in their townships, in regard to moral character, learning, and ability to teach a school; and they shall deliver to each person so examined and found qualified, a cer-

tax to be raised, and being able to ascertain the proportion of the property of the district lying in his township, is prepared to assess upon such property its equitable proportion of the tax. We here see the vital importance of the map of the districts required by sections 102 and 103.

By the *proviso* enacted in 1873, provision is made for equalizing the valuation of property—and thus equalizing the taxes—in districts situated in two or more counties.

(Section 85.) No certificate should be given to a teacher who does not pass a satisfactory examination in the common branches, reading, orthography, geography, grammar, and arithmetic. (See section 88.) Whenever the applicant proposes to teach in the higher departments of a graded school, or in any advanced primary school, he should be required to pass an examination in all the branches he will be expected to teach.

Inspectors may lawfully invite any gentleman they may


tificate signed by them, in such form as shall be prescribed by the Superintendent of Public Instruction, which certificate shall certify the branches in which the person holding it has passed a satisfactory examination, and shall be given at the discretion of the inspectors, for a term of not less than six months, nor more than two years. No person shall be deemed a qualified teacher, within the meaning of this chapter, who has not such a certificate in force, or the legal certificate as a graduate of the State Normal School.

choose, to assist them in their examinations; but they cannot deputize any one to give a certificate in their stead, or to conduct examinations in their absence. Two of the inspectors may examine and license teachers, but one cannot act alone in this duty.

Inspectors owe it to the schools to refuse a certificate to any teacher who is a drunkard, or gambler, or who uses profane language, or indulges in any other gross immorality or indecent habit. No excellency of scholarship or experience, or skill in teaching, can compensate a school for the lack of moral purity and integrity in the teacher. The law has wisely made a good moral character a requisite for a qualified teacher, since it is on the virtue as well as on the intelligence of the people that the safety of the Republic depends. In case the candidate is a stranger to the inspectors, they may require him to show satisfactory testimonials of his good moral character.

Only teachers of experience and approved success should be licensed for the longest period. Young teachers should be contented to pass a noviciate of six months to prove their ability to teach.

Inspectors have no authority to grant a modified or partial certificate, certifying to competency in one or two branches, and not licensing to teach. The certificate must be in the form prescribed by the Superintendent of Public Instruction, and



SEC. 86. For the purpose of making such examination, the board of school inspectors shall meet on the second Saturday of April, and the first Saturday of October, and the first Saturday of November in each year, at the office of the township clerk, or at such other place as they shall designate, of which meetings the township clerk shall give at least ten days' notice in writing, by posting up the same in three public places in the township.

SEC. 87. The inspectors may make such examination at such other times as they may designate for that purpose, but shall make no charge against the township for examining teachers at any other times than those specified in the preceding section.

SEC. 88. The examination of teachers shall be public, and no certificate shall be given by the inspectors, unless they are satisfied that the applicant possesses a good moral character, and a thorough and accurate knowledge of the several branches of study usually taught in primary schools, and is competent in other respects to teach and govern a school.

SEC. 89. When a district is situated in two or more townships, the teacher for such district shall be examined by the inspectors of the township to which the director is required to make his annual report.

SEC. 90. Whenever the inspectors shall deem it necessary to re-examine any teacher of a primary school in their township, they shall give five days' notice to such teacher, of the time and place of such re-examination, and of their intention to

must not be given except the candidate passes a satisfactory examination in all the branches above named. (See form No. 16.)

(Section 88.) See section five of the law for County Superintendents, and also Appendix C.

(Section 90.) No teacher's certificate can be annulled on a mere report of incompetency; but the inspectors are bound to examine him, and, if necessary, visit his school and assure themselves personally of his deficiency.

Whenever the inspectors shall have annulled a teacher's

annul his certificate if they find him deficient in the requisite qualifications; and at the same time and place specified in the notice, if such teacher shall not appear and submit to such re-examination, or if he shall be found deficient as aforesaid, the inspectors shall annul said certificate.

(3654.) SEC. 91. The whole number of meetings of the township board of inspectors, during any one year, at the expense of the township, shall not exceed four, and the township clerk shall give at least ten days' public notice of any meeting of the board, by posting such notice in three public places in the township.

SECS. 92 and 93. Repealed.

(3655.) SEC. 94. It shall be the duty of the board of inspectors to render to the township board, on the Tuesday next preceding the annual township meeting, a full and true account of all moneys received and disbursed by them as such inspectors, during the year, which account shall be settled by said township board, and such disbursements allowed, if the proper vouchers are presented.

SEC. 95. Repealed.

CERTAIN DUTIES OF TOWNSHIP CLERK.

(3656.) SEC. 96. The township clerk shall be the clerk of the board of school inspectors by virtue of his office, and shall attend all meetings of said board, and under their direction prepare all their reports and record the same, and shall record all their proceedings, including the names of teachers to whom

certificate, they ought immediately to notify the district board that had employed him, as no public money can be paid him for services after such annulment, and none drawn on account of his teaching. The contract made with a qualified teacher becomes null and void by the annulling of his certificate. (See Notes on section 39. See form No. 18.) They may suspend (but not annul) a Normal School Diploma in their township, if the county has no County Superintendent.

(Section 91.) In case of fractional districts, the notice must be posted by the the clerks of the several townships.

certificates shall have been given, with the date of each certificate, and the name of each teacher whose certificate shall have been annulled, with the date of such annulment.

(3657.) SEC. 97. On receiving notice from the county treasurer of the amount of school moneys apportioned to his township, he shall apportion the same amongst the several districts therein, entitled to the same, in proportion to the number of children in each between the ages of five and twenty years, as the same shall be shown by the annual report of the director of each district for the school year last closed.

(3658.) SEC. 98. Said clerk shall also apportion to the school districts in his township, as required by law, on receiving notice of the amount from the township treasurer, all moneys raised by township tax, or received from other sources for the sup-

(Section 97.) The districts entitled to public moneys are those which have had a school taught by a "qualified teacher" for three, five, or nine months, as required by section 24, during the preceding school year. No money should be apportioned to others. The income of the primary school fund is apportioned to the townships by the Superintendent of Public Instruction, annually, in the month of May. It is made upon the report of the inspectors, in his office. If the amount reported to the township clerk does not correspond with the number of children in the same report in his office, it is an indication that the reports are not alike; and he should seek an explanation from the State Superintendent before apportioning the money to the districts.

(Section 98.) It is the duty of the township treasurer to notify the clerk of the amount of all school moneys received or raised for the township. (Section 109 and 110.) Although the proceeds of the two-mill tax belong now to the districts in which it was raised, still the treasurer should notify the clerk of the amounts raised in the several districts. The law requires the clerk to apportion the two-mill tax as well now as

port of schools; and in all cases make out and deliver to the township treasurer a written statement of the number of children in each district drawing money, and the amount apportioned to each district, and record the apportionment in his office; and whenever an apportionment of primary school money or moneys, raised by tax or received from other sources, is made, he shall give notice of the amount to be received by each district, to the director thereof.

when it was apportioned on the scholar. The propriety of this is seen in the fact that, if the law has been complied with by all parties, *he* has the evidence as to what districts may have forfeited their money—how much, if any, library money is to be deducted before the division,—how much surplus from delinquent districts is to be appropriated to the others, and, in towns having district libraries, how it is to be apportioned.

Township clerks should be particular to observe all the requirements of section 98 :

First, To apportion all moneys to the districts ;

Second, To notify the township treasurer of the number of children in each district entitled to public money, and the amount which each district is to receive, from whatever funds that are to come through the treasurer's hands ;

Third, To make a record of every apportionment to the several districts ; specifying in each case the amount of each fund ;

Fourth, To notify the several directors of the amount going to their districts.

If this is done, directors will know just how much to draw their warrants for, upon the town treasurer; he will know whether the amount named in the warrant is correct; and in any settlement with the assessor, it can readily be ascertained from the record of the town clerk, and from the paid war-

(3659.) SEC. 99. He shall receive and keep all reports to the inspectors from the directors of the several school districts in his township, and all the books and papers belonging to the inspectors, and file such papers in his office.

(3660.) SEC. 100. He shall receive all such communications as may be transmitted to him by the Superintendent of Public Instruction, and dispose of the same in the manner directed therein.

(3661.) SEC. 101. He shall transmit to the county clerk all such reports as may be delivered to him for that purpose by the inspectors, within the time limited in this chapter. (See section 79, and notes to the same.)

(3662.) SEC. 102. Every township clerk shall cause a map to be made of his township, showing by distinct lines thereon, the boundaries of each school district, and parts of school districts therein, and shall regularly number the same thereon, as established by the inspectors.

rants in the hands of the town treasurer, how much the assessor should and did receive. By not being done, hundreds of districts never know whether they get all the money due them; disputes arise between town treasurers and district boards, and neither party can prove anything.

Let it be remembered that the town *treasurer* is *not* the person to determine the amount of money he is to pay to the several districts; and the town *clerk* is.

The duties of the township clerk are of the highest importance in connection with the schools; and he cannot study the school laws too carefully.

For directions for apportioning school moneys in the case of fractional districts, see Notes on section 142 and 143.

(Sections 102 and 103.) This is an important duty; and a neglect of it (too common, it is feared,) is almost certain to cause difficulty in assessing taxes, in taking the census, and in a general knowledge of boundaries. Town clerks are respect-

(3663.) SEC. 103. One copy of such map shall be filed by the said clerk in his office, and one other copy he shall file with the supervisor of the township; and within one month after any division or alteration of a district, or the organization of a new one in his township, the said clerk shall file a new map and copy thereof as aforesaid, showing the same.

(3664.) SEC. 104. The clerk shall also certify to the supervisor the amount to be assessed upon the taxable property of any school district retaining the district school-house or other property, on the division of the district, as the same shall have been determined by the inspectors, and he shall also certify the same to the director of such district, and to the director of the district entitled thereto.

(3665.) SEC. 105. Said clerk shall also be the township librarian, and as such shall have the custody of the township library; and he shall do and execute all such other acts and things pertaining to his office, as may be required of him by the inspectors.

(3666.) SEC. 106. It shall be the duty of the supervisor of the township to assess the taxes voted by every school district in his township, and also all other taxes provided for in this chapter, chargeable against such district or township, upon the taxable property of the district or township respectively, as equalized by the board of supervisors, and to place the same on the township assessment roll in the column for school taxes, and the same shall be collected and returned by the township treasurer, in the same manner and for the same compensation as township taxes.

fully urged to promptness in this matter. In any case where there is doubt or dispute about a boundary, the inspectors should promptly decide the question, and have the map made accordingly.

(Section 106.) Supervisors will bear in mind that they are to assess all school taxes, not upon their own valuation, but upon the valuation "as equalized by the board of supervisors."

For directions for assessing taxes upon fractional districts, see section 84, and notes.

(3667.) SEC. 107. The supervisor shall also assess upon the taxable property of his township, two mills upon each dollar of the valuation thereof, in each year, and report the aggregate valuation of each district to the township clerk; and so much of the said tax as the qualified electors of said township shall decide, by a majority vote, at the annual township meeting, shall be applied to the purchase of books for the township library, according to the provisions of law, and the remainder shall be apportioned by the township clerk to the districts in which it was raised, for the support of schools therein; and all moneys collected by virtue of this act during the year, on any property not included in any organized district, or in

(Section 107.) Section 141 provides that if any school taxes fail to be assessed at the proper time through the fault of the supervisor, they shall be assessed the next year, and he is liable for any damage to the district. But, in addition to this, he is liable to a penalty of five hundred dollars, in way of damage, for willfully neglecting to assess any tax required by law. (Compiled Laws, page 398, section 137.)

All money raised by the two-mill tax in districts not having the length of school required, must be counted with that raised on property not in any organized district, and apportioned to to the districts in which the schools were maintained, as required by law.

The vote must be taken annually, at the township meeting, to determine how much of the two-mill tax shall be appropriated for the support of libraries. This vote may be *viva voce*, and may be for a gross amount, as 50 or 100 dollars, or may be for a per centum, as 15 per cent or 20 per cent of the entire proceeds of the tax. No township ought to fail to make this appropriation, since a library is as necessary as a school for the education of the young.

The library money, when distributed to the districts, is to be

districts not having, during the previous school year, three months' school in districts having less than thirty children, or five months' school in districts having thirty and less than eight hundred children, or nine months' school in districts having eight hundred or more children, as shown by the last school census, shall be apportioned to the several other school districts of said township, in the same manner as the primary school moneys are now apportioned. All moneys accruing from the two-mill tax in any township, before any district shall have a legal school therein, shall belong to the districts in which it was raised, when they shall severally have had a three months' school by a qualified teacher.

apportioned in proportion to the number of children of legal school ages in each. (See "District school libraries," section 3.)

For mode of apportioning money to fractional districts, see section 142.

Money raised from the *two-mill tax* is public money, and can only be used for the payment of the wages of "qualified teachers." But in case of a surplus, after supporting a school for *eight* months in the year, the district may use such surplus for other school purposes, or for library books. (Section 172.)

Any two-mill taxes raised in any town before any school district is organized and has had a legal school therein, is to remain in the town treasury until a district shall be organized and have such school. Then such first district is entitled to all the two-mill tax previously raised in its territory. The remainder of the accumulated money then in the town treasury is still retained, to be paid over in like manner to other districts as they shall be organized and have a school. But all the two-mill tax raised in the township, after the first district is organized, and has the requisite time of school, will go to the district or districts entitled thereto, under the last clause of the first sentence in section 107.

(3668.) SEC. 108. The supervisor, on delivery of the warrant for the collection of taxes to the township treasurer, shall also deliver to said treasurer, a written statement of the amount of school and library taxes, the amount raised for district purposes on the taxable property of each district in the township, the amount belonging to any new district on the division of the former district, and the names of all persons having judgments assessed under the provisions of this chapter upon the taxable property of any district, with the amount payable to each such person on account thereof.

(3669.) SEC. 109. The township treasurer shall retain in his hands, out of the moneys collected by him, after deducting the amount of tax for township expenses, the full amount of the school taxes on the assessment roll, and hold the same, subject to the warrant of the proper district officers, to the order of the school inspectors, or of the persons entitled thereto, and give a written notice to the township clerk of the amount.

(3670.) SEC. 110. Said treasurer shall, from time to time, apply to the county treasurer for all school and library moneys belong-

(Section 109.) In Compiled Laws, chapter 21, section 59, it is also provided that out of the moneys raised by taxes there shall *first*, be paid the tax for township purposes; *second*, the taxes for school and library purposes; and *third*, the highway taxes. Therefore, both sections provide that the school taxes—that is, the whole amount *assessed*,—must all be paid, or reserved for payment, before any moneys can be paid for highway taxes. For directions in regard to moneys belonging to fractional districts, see sections 142 and 143.

The treasurer should be particular to report the amount to the township clerk, so that he can determine and report to the district directors (section 98) how much is going to the several districts.

(Section 110.) The income of the primary school fund is apportioned annually in May. The library moneys arising from fines, are required to be apportioned by the county treas-

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of school inspectors of the township: *Provided*, That no township in which the township library has been distributed into district libraries, shall be required to maintain thereafter a township library: *And provided, also*, That the school inspectors of any township may equitably divide the township library into district libraries whenever requested by a vote of a majority of the districts in the township.

(3674.) SEC. 115. The books in such library shall, once in three months, be distributed by the township librarian among the several school districts of the township, in proportion to the number of children in each between the ages aforesaid, as the same shall appear by the last report of the director thereof, and said books shall be drawn and returned by the several directors for their respective districts.

(3675.) SEC. 116. The clear proceeds of all fines for any breach of the penal laws of this State, and for penalties, or upon any recognizances in criminal proceedings, and all equivalents for exemption from military duty, when collected in any county, and paid into the county treasury, together with all moneys heretofore collected and paid into said treasury on account of such fines or equivalents, and not already apportioned, shall be apportioned by the county treasurer, between

(Section 115.) The provisions of this section may be suspended by the inspectors in their discretion. (Section 144.) When suspended, readers may draw books directly from the township library.

(Section 116.) In the case of the School Board of Detroit *vs.* The Supervisors of Wayne County, the Supreme Court decided that *the entire amount of fines, etc., collected*, belongs to the library fund; that no part thereof can be used to pay the costs of prosecution or collection. Under this decision any district board may sue for and recover the proportion of the fine moneys due the district, and illegally withheld in past years. The violations of this section of the law are numerous and flagrant. Every year complaints reach this department of an illegal appropriation of the fines to the general fund of

the first and tenth days of April in each year, among the several townships in the county, according to the number of children therein between the ages of five and twenty years, as shown by the last annual statement of the county clerk on file in his office, which money shall be applied to the purchase of books for the township or district libraries, and for no other purpose.

(3676.) SEC. 117. In each district in which a district library has been established, the director shall, as the librarian of the district, distribute the books therein to the children of his district of proper age, and shall collect from the parents or guardians of such children, all such damages as they may respectively become liable to pay on account of any injury done to, or loss of, or neglect to return any of such books, or any books belonging to the township library, pursuant to such rules and regulations as shall be prescribed by the board of school inspectors.

(3677.) SEC. 118. If such damages shall have occurred by reason of any injury to, or loss of, or neglect to return any

the counties, and to other purposes. Let it be remembered, the county treasurers are still answerable to the districts for these funds, notwithstanding any votes of the supervisors directing any other use of the same, and hereafter some energetic school board like that in Detroit, may arise and demand that all these moneys be refunded. The supervisors have no more control over the fine moneys than over the primary school moneys apportioned to the county. While the law stands it should be obeyed. It is unwise and un-American to use an educational fund to pay less important expenses.

In case a township has adopted the district library system, the money received from fines, etc., is to be apportioned by the township clerk (Section 3, Law for District Libraries) to the districts and parts of districts, severally.

(Sections 117 and 118.) Whatever of these sections that relate to district libraries is rendered obsolete and void by the

books belonging to the township library, they shall be collected in the name of the township, and paid into the township treasury for the benefit of such township library; and if the same shall have accrued by reason of any injury to, or loss of, or neglect to return any books belonging to the district library, the same shall be collected in the name of the district, for the benefit of the district library.

DISTRIBUTION OF THE INCOME OF THE SCHOOL FUND.

(3678.) SEC. 119. The interest of the primary school fund shall be distributed on the first Monday of May, or as soon thereafter as is practicable in each year, for the support of primary schools in the several townships in this State, from which reports have been received by the Superintendent of Public Instruction, in accordance with the provisions of this chapter, for the school year last closed, in proportion to the number of children in such townships between the ages of five and twenty years; and the same shall be payable on the warrant of the Auditor General, to the treasurers of the several counties.

(3679.) SEC. 120. The several county treasurers shall apply for and receive such moneys as shall have been apportioned to their respective counties, when the same shall become due; and each of said treasurers shall immediately give notice to

later law of 1859. (Found in the latter part of this compilation.) That which relates to township libraries is still in force.

(Sections 119 and 120.) No township can share in this distribution unless the school inspectors have made the requisite annual report; and no district that has not had a school taught therein by a qualified teacher for the time required by section 24, during the school year last closed. The apportionment usually cannot be made till the latter part of May, on account of delays of more or less of the county treasurers in forwarding to the treasury as promptly as they should, the amount of interest by them collected.

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judgment shall be rendered, is situated in part in two or more townships, a certificate thereof shall be delivered as aforesaid, to the supervisor of each township in which such district is in part situated.

(3687.) SEC. 128. The supervisor or supervisors receiving either of the certificates of a judgment as aforesaid, shall proceed to assess the amount thereof, with interest from the date of the judgment to the time when the warrant for the collection thereof will expire, upon the taxable property of the district, placing the same on the next township assessment roll, in the column for school taxes, and the same proceedings shall be had, and the same shall be collected and returned in the same manner as other district taxes.

PENALTIES AND LIABILITIES.

(3688.) SEC. 129. Every taxable inhabitant receiving the notice mentioned in the first and second sections of this chapter, who shall neglect or refuse duly to receive and return such notice, and every chairman of the first district meeting in any district, who shall willfully neglect or refuse to perform the duties enjoined on him in this chapter, shall respectively forfeit the sum of five dollars.

(3689.) SEC. 130. Every person duly elected to the office of

(Section 128.) If, when a judgment is obtained against a district, the district has the means, and is disposed to pay it before the tax is assessed, it seems but reasonable that it should have the right to do so; and upon satisfactory evidence of payment, the supervisor may be excused from placing it on the tax roll. Most certainly, this may be done by a vote of two-thirds of the district, under section 23.

(Sections 129 to 136.) The collector or other officer who executes process, has peculiar protection. He is protected, although the court or officer issuing such process have not, in fact, jurisdiction of the case, if, on the face of the process, it appears that such court or officer had jurisdiction of the *subject-matter*, and nothing appears in such process to apprise

moderator, director or assessor of a school district, who shall neglect or refuse, without sufficient cause, to accept such office and serve therein, or who, having entered upon the duties of his office, shall neglect or refuse to perform any duty required of him by virtue of his office, shall forfeit the sum of ten dollars.

(3690.) SEC. 131. Every person duly elected or appointed a school inspector, who shall refuse or neglect, without sufficient cause, to qualify and serve as such, or who, having entered upon the duties of his office, shall neglect or refuse to perform any duty required of him by virtue of his office, shall forfeit the sum of ten dollars.

(3691.) SEC. 132. If any board of school inspectors shall neglect or refuse to make and deliver to the township clerk their annual report to the county clerk, as required in this chapter, within the time limited therefor, they shall be liable to pay the full amount of money lost by their failure, with interest thereon, to be recovered by the township treasurer in the name of the township, in an action of debt, or on the case. (See section 79.)

(3692.) SEC. 133. If any township clerk shall neglect or refuse to transmit the report mentioned in the preceding section, to the county clerk, as required in this chapter, he shall

the officer but that there was jurisdiction of the person of the party affected by the process.—5 *Wendell's Reports*, 170.

In a decision of the Supreme Court of New York (5 *Wendell*, p. 234), the Court said:

"It will be observed that these cases do not go upon the ground that the claim by an individual to be a public officer, and by acting as such, is merely *prima facie* evidence that he is an officer *de jure* (of right), but the principle they establish is this: that an individual coming into office by color of an election or appointment, is an officer *de facto* (in fact), and his acts in relation to the public, or third persons, are valid until he is removed, although it be conceded that his election or appointment was illegal."

be liable to pay the full amount lost by such neglect or refusal, with interest thereon, to be recovered in the manner specified in the preceding section.

(3693.) SEC. 134. Every county clerk who shall neglect or refuse to transmit the report required in this chapter, to be made by him to the Superintendent of Public Instruction, within the time therefor limited, shall be liable to pay to each township the full amount which such township or any school district therein shall lose by such neglect or refusal, with interest thereon, to be recovered in the manner specified in the last two preceding sections.

(3694.) SEC. 135. All the moneys collected or received by any township treasurer, under the provisions of either of the three last preceding sections, shall be apportioned and distributed to the school districts entitled thereto, in the same manner and in the same proportion that the moneys lost by any neglect or refusal therein mentioned would, according to the provisions of this chapter, have been apportioned and distributed.

(3695.) SEC. 136. The township board of each township, and in the case of fractional school districts, the township board of the township in which the district school-house thereof is situated, shall have power and is hereby required to remove from office, upon satisfactory proof, after at least five days' notice to the party implicated, any district officer or school inspector who shall have illegally used or disposed of any of the public moneys intrusted to his charge, or who shall per-

"In the case of *trustees* and *collectors* of *school districts*, general reputation of their being such officers, and proof of their acting as such, is *prima facie* sufficient, without producing evidence of their election, especially where there is evidence of their acting under color of an election."—7 *Wendell Rep.*, p. 341.

Officers required by law to exercise their judgments, are not answerable for mistakes of law, or mere errors of judgment, without any fraud or malice.—*Jenkins vs. Waldron*, 11th *Mass. Reports*, 114.

sistently and without sufficient cause, refuse or neglect to discharge any one of the duties of his office. And in case of such removal, it shall be the duty of the township clerk of such township to enter in the records of such township the resolution or order of such board for such removal; and such record of such resolution or order so entered, or a certified copy thereof, shall be *prima facie* evidence in all courts and places of the jurisdiction of such board and of the regularity of the proceedings for such removal, and (unless the party so removed, shall, within thirty days after such removal, institute proceedings before a court of competent jurisdiction for the removal of such order for removal, or if after such thirty days such proceedings to obtain such removal shall be discontinued or dismissed) shall be conclusive evidence of jurisdiction and regularity, if it shall appear that the party so removed, had five days' notice of the time and place fixed by said board for the hearing of the case as aforesaid.

(3696.) SEC. 137. Any person paying taxes in a district in which he does not reside, may send scholars to any district

A public officer who is required by law to act in certain cases, according to his judgment or opinion, and subject to penalties for his neglect, is not liable to a party for an omission arising from a mistake or want of skill, if acting in *good faith*.—*Seaman vs. Patten*, 2d Caine's Reports, 312.

But an officer entrusted by the common law or by statute is liable to an action for *negligence* in the performance of his trust, or for *fraud* or neglect in the execution of his office.—*Jenner vs. Joliffe*, 9 John. Rep., 381.

For the mode of collecting the penalties, see Compiled Laws, pages 1908, 1909.

The performance of any act prohibited by statute, or any willful neglect of duty, and for which no penalty is provided by enactment, is a misdemeanor. [Compiled Laws, page 2111, sections 25 and 26.]

(Section 137. Under this section a non-resident who pays

school therein, if no school is being kept in his own district, on paying a tuition equal per scholar to the last previous apportionment of primary school money; but he shall not have the right of voting in school meetings, nor shall his children be included in the census of said district.

(3697.) SEC. 138. Whenever any portion of a school district shall be set off and annexed to any other district, or organized into a new one, after a tax for district purposes other than the payment of any debts of the district shall have been levied upon the taxable property thereof, but not collected, such tax shall be collected in the same manner as if no part of such district had been set off, and the said former district, and the district to which the portion so set off may be annexed, or the new district organized from such portion, shall each be entitled to such proportion of said tax as the amount of taxable property in each part thereof bears to the whole amount of taxable property on which such tax is levied.

(3698.) SEC. 139. For the purpose of apportioning the income of the primary school fund among the several town-

taxes in the district, may send his children to school at any time while no school is in progress in his own district, by paying for each pupil, on entering the school, the same sum as was paid upon each scholar at the last previous apportionment of primary school money. This amount once paid, is sufficient for the entire school year.

(*Section 139.*) The district is regarded as being entirely in said township, and can have no number, and is not officially recognized in any other township. It should not appear at all in the reports of any other township.

Section 139 is the last of the original primary school law. All that follow are enactments made at various times since, and in the compiled laws the sections are numbered as in the several acts. But for greater convenience in reference, they are here numbered continuously. Any section can readily be found in the compiled laws by reference to the compiler's section in parentheses.

An act for the purchase of dictionaries, passed in 1957, page 1216 compiled laws, is virtually repealed by its own terms.

ships, a district situated in part in two or more townships shall be considered as belonging to the township to which the annual report of the director is required to be made; and the district shall be numbered by the inspectors of said township.

SEC. 140. Repealed. [Sections 3699 and 3700, as published in the compiled laws, are repealed.]

(3701.) SEC. 141. If any taxes provided for by law for school purposes shall fail to be assessed at the proper time, the same shall be assessed in the succeeding year; and any supervisor willfully neglecting to assess any such tax shall be liable to any district for any damage occasioned thereby, to be recovered by the assessor, in the name of the district, in an action of debt, or on the case.

(3702.) SEC. 142. The supervisor of each township, on the delivery of the warrant for the collection of taxes to the township treasurer, shall also deliver to said treasurer a written statement certified by him, of the amount of the taxes levied under section one hundred and seven of said chapter, upon any property lying within the bounds of a fractional school district, a part of which is situate within his township, and the returns of which are made to the clerk of some other township; and the said township treasurer shall pay to the township treasurer of such other township, the amount of the taxes so levied and certified to him for the use of such fractional school district.

(3703.) SEC. 143. Each treasurer of a township, to the clerk of which the returns of any fractional school district shall be

(*Section 141.*) When a tax fails to be assessed, the district board should bear in mind and re-report it to the supervisor the next year, without waiting for any action of the district.

The language of this section is not quite clear, but we know the design, in its enactment, was to provide that the supervisor by willful failure to assess any school tax should be liable to the district for any damage it might suffer by the year's delay.

(*Sections 142 and 143.*) These sections, together with section 141, form the rule for the apportionment of school mon-

made, shall apply to the treasurer of any other township in which any part of such fractional school district may be situated, for any money to which such district may be entitled; and when so received it shall be certified to the township clerk, and apportioned in the same manner as other taxes for school purposes.

(3704.) SEC. 144. The board of school inspectors shall have power to suspend the operation of section one hundred and fifteen of said chapter, whenever they shall be of opinion that the convenience or the interest of the people of their township will be promoted thereby, and to restore the same, as in their judgment they shall think best.

(3705.) SEC. 145. Every person of the age of twenty-one years, who has property liable to assessment for school taxes

ays to fractional districts. In making the apportionment of school moneys, a fractional district is to be treated as if belonging wholly to the township in which its school-house is situated, and to which the annual report of the director is to be made. But as no supervisor can assess, or township treasurer collect taxes upon property lying outside of their own township, the taxes upon each fraction of the district must be assessed and collected by the officers of the township in which such fraction is situated. The taxes once collected, they are all to be paid over to the treasurer of the township in which the school-house is situated. All the public moneys belonging to the fractional district having thus come into the hands of the treasurer of the township to which such district is counted as belonging, the clerk of such township apportions the money to the district as if the entire district had been moved bodily into the township. All the money due from the primary school fund to such district, comes directly to the treasurer of the township in which the school-house stands.

(Section 145.) Any person twenty-one years of age, three months a resident, and having property in his or her own right

in any school district, and has been a resident therein three months preceding any district meeting, shall be a qualified voter in said meeting; and all persons who are entitled by the laws of this State to vote at township and county elections, and residing in said district, shall be entitled to vote upon all questions arising in said district, when the raising of money by tax is not in question, and all such persons shall be eligible to office in such school district.

(3706.) SEC. 146. In all cases where the board of school inspectors of any township shall form a school district therein, and where no election for school district officers shall be held, and where any school district shall neglect or refuse to elect, at the proper time, the necessary school district officers, it

liable to a school tax, of whatever nation, color, or sex, is a qualified voter, and eligible to any district office. The other class,—voters at township elections, but having no property liable to a school tax,—have the same rights, except that they cannot vote upon questions of taxation. They cannot vote upon the raising of a tax, or upon any motion, the passage of which directly involves a tax to carry it out, though the tax itself may not be included in the motion. A person owning property liable to taxation does not lose his rights because it is not on the tax roll, unless it was omitted from its insignificance. For instance, a single man, whose continuance in the township is uncertain, may have a watch worth six or eight dollars, and the supervisor, in the exercise of his judgment, does not assess it; he would not be a voter of the first class. But if he owned a span of horses that failed to be assessed, he would be a voter on all questions. His rights are not forfeited because of another man's neglect.

(Section 146.) This section applies to newly organized districts in which no officers have been elected, and to districts in which all the offices have become vacant, and to the cases in which the district persistently neglects for a long time or

shall be the duty of the township board of school inspectors of the township in which such district is situated, to appoint the officers of such district from among the male persons residing in such district, of the age of twenty-one years, who are tax-payers therein; which officers thus appointed shall severally file with the director a written acceptance of the offices to which they shall have been appointed, which shall be recorded by the director.

(3707.) SEC. 147. Every such school district shall be deemed duly organized, when any two of the officers thus appointed shall have filed their acceptance as aforesaid; and such school district and its officers shall be entitled to all the rights, privileges and immunities, and be subject to all the duties and liabilities conferred upon school districts by law.

GRADED AND HIGH SCHOOLS.

(3742.) SEC. 148. Any school district containing more than one hundred children between the ages of five and twenty years, may elect a district board consisting of six trustees: *Provided*, The district shall so determine at an annual meeting, by a vote of two-thirds of the legal voters attending such meeting: *Provided, also*, That the intention to take such vote

refuses to elect. If a vacancy occurs in any old district, it is the duty and right of the remaining two members to fill it without delay, or call a special meeting for that purpose. If two vacancies occur at once, then the single remaining officer cannot fill the vacancies, but must, on request of voters, call the special meeting to elect. But if the district in this or any other case, refuse or neglect, for an unreasonably long time, to fill vacancies, the inspectors may interfere and appoint the officers.

(Section 148.) Care should be taken to insert the notice of intention to take the vote to organize as a graded school district and to elect a board of trustees, in the regular notices of the annual meeting, as without such notice the meeting will have no power to organize under this section. It is not suffi

shall be expressed in the notice of such annual meeting. When such a change in the district board shall have been voted, the voters at such annual meeting shall proceed immediately to elect from the qualified voters of the district, two trustees for the term of one year, two for a term of two years, and two for a term of three years; and annually thereafter, two trustees shall be elected, whose terms of office shall be three years, and until their successors shall have been elected and filed their acceptances.

(3743.) SEC. 149. Within ten days after their election, such trustees shall file with the director a written acceptance of the office to which they have been elected, and shall annually elect from their own number a moderator, a director, and assessor, and for cause may remove the same, and may appoint others of their own number in their places, who shall perform the duties prescribed by law for such officers in the primary school districts in this State, except as hereinafter provided. The trustees shall have power to fill any vacancy that may occur in their number till the next annual meeting. Whenever, in any case, the trustees shall fail, through disagreement or neglect, to elect the officers named in this section, within twenty days next after the annual meeting, the school inspectors of the township or city to which such district makes its annual report, shall appoint the said officers from the number of said trustees.

(3744.) SEC. 150. Said trustees shall have power to classify and grade the scholars in such district, and cause them to be taught in such schools or departments as they may deem expedient; to establish in said district a high school, when ordered by a vote of the district at any annual meeting, and to determine the qualifications for admission to such school, and the

cient to insert such notice of intention in the notice of an adjourned annual meeting. If it was not in the original notice for the annual meeting, nothing can be done till another annual meeting.

(Section 150.) The classification of the pupils into grades need not be done by the trustees in person, but may be done by the teachers, under their authority. They should determine

prices to be paid for tuition in any branches taught therein; to employ all teachers necessary for the several schools of said district; to prescribe courses of studies and text-books for the use of said schools, and to make such rules and regulations as they may think needful for the government of the schools, and for the preservation of the property of the district; and also to determine the rates for tuition to be paid by non-resident pupils attending any school in said district.

(3745.) SEC. 151. The said trustees shall present, at each annual meeting, a statement in writing of all receipts and expenditures on behalf of the district, for the preceding year,

the qualifications and attainments necessary for admission to each grade, and prescribe the studies and text-books to be pursued by each.

The right to make regulations includes the power to determine length of terms and vacations, the time of opening and closing the daily sessions, and to make and enforce needful rules to secure punctual and regular attendance, as well as all other matters necessary to the prosperity of the school.

Sections 57 and 58 now give all district boards all the powers granted in this section, except that of establishing a high school.

Resident pupils can be charged tuition in a high school, "in any branches taught therein." But this will not bear the construction, that the trustees may organize a department and call it the "high school," to teach the common branches and charge tuition therefor. It is held that the primary school fund was designed only for primary schools, for the teaching of ordinary English studies; and that when a district incurs extra expense for teaching the higher branches and the languages, those receiving the instruction *may be* required to pay tuition; but all primary instruction shall be free.

(Section 151.) This covers essentially the same ground as sections 63, 64, 24, and 23 of the general law; and these sec-

and of all funds then on hand, and an estimate of the amounts necessary to be raised by the district, for purposes other than those for which the district board are to make the estimates, under section twenty-four of the primary school law (which estimate shall be made in the same manner by said trustees); and the district may, at any regular meeting, vote such taxes upon the taxable property of the district, as may be required, and as school districts are allowed by law to raise.

(3746.) SEC. 152. Whenever two or more contiguous districts, having together more than two hundred children between the ages of five and twenty years, shall severally, by a vote of two-thirds of the qualified voters attending the annual meetings in said districts, determine to unite for the purpose of establishing graded or high schools, under the provisions of this act, the school inspectors of the township or townships in which such districts may be situated, shall, on being properly notified of such vote, proceed to unite such districts, and shall appoint, as soon as practicable, a time and place for a meeting of the new district, and shall require notices of the same to be posted in each of the districts so united, at least five days before the time of such meeting; and at such meeting the district shall elect a board of trustees, as provided in section one of this act [Sec. 148 above], and may do whatever business may be done at any annual meeting.

tions would give the district all the powers of 151, if it was stricken out. There is now very little difference between the powers of districts organized under the graded and high-school law and other districts, except that the former may establish a high school and charge tuition, and have six trustees.

(Section 152.) Graded school districts are not restricted to nine sections of land. The districts united under this section might each have embraced nine sections. The power of the union district to establish several schools enables it to provide for a larger territory than could find convenient access to a single school. An entire township might be embraced in a single district without disadvantage. As in section 148, this

SCHOOL-HOUSE SITES—ADDITIONAL PROVISIONS.

(3713.) SEC. 153. The qualified voters in any school district, having more than three hundred children between the ages of five and twenty years residing in such district, shall have power, when lawfully assembled, to designate, by a vote of two-thirds of those present, any number of sites for school-houses, including a site for a union school house, and to change the same by a similar vote at any regular meeting: *Provided*, That in case two-thirds cannot agree upon a site for said school-house, that a majority of the voters of said district shall have power to instruct the district board to locate said site.

(3714.) SEC. 154. (1.) Whenever a site for a school-house shall be designated, determined or established, in any manner provided by law, in any school district, and such district shall be unable to agree with the owner or owners of such site upon the compensation to be paid therefor, or in case such district shall, by reason of any imperfection in the title to said site, arising either from break in the chain of title, tax sale, mortgages, levies, or any other cause, be unable to procure a perfect, unincumbered title, in fee simple, to said site, the district board of such district shall authorize one or more of its members to apply to the circuit judge, if there be one in the county, or to a circuit court commissioner of the county, or to any justice of the peace of the city or township in which such school district shall be situated, for a jury, to ascertain and determine the just compensation to be made for the real estate required by such school district for such site, and the necessity for using the same, which application shall be in writing, and shall

vote can be taken only at an annual meeting, but no previous notice is required.

(*Section 153.*) The term "union school-house," in this section, was probably used somewhat loosely to designate the central school building sometimes established under the graded school system. The phrase "including a site for a union school-house" adds no power which the section would not have if it was omitted.

describe the real estate required by such district, as accurately as is required in a conveyance of real estate.

(3732.) (2.) Whenever any school district shall have designated, selected or established, in any manner provided by law, a school-house site, such selection, designation or establishment, shall be *prima facie* evidence to said jury of the necessity to use the site so established.

(3733.) (3.) In case the said school-house site is encumbered by mortgage, levy, tax sale or otherwise, as aforesaid, the mortgagee, or other parties claiming to be interested in said title, shall severally be made a party to the procedure as aforesaid, and shall be authorized, upon the filing of the certificate of the jury in the circuit court of said county, to appear before the circuit judge and make proof relative to their proportionate claims to said site, or the compensation to be made therefor, as determined by said jury. And the said circuit judge shall, by decree, settle their several claims in accordance with the rights of the parties respectively, and may divide the sum awarded by said jury between the claimants, as in his judgment will be equitable and right, rendering against said district a separate judgment for each of the amounts so awarded.

(3715.) SEC. 155. It shall be the duty of such circuit judge, circuit court commissioner, or justice of the peace, upon such application being made to him, to issue a summons or venire, directed to the sheriff or any constable of the county, commanding him to summon eighteen freeholders residing in the vicinity of such site, who are in no wise of kin to the owner of such real estate, and not interested therein, to appear before such judge, commissioner, or justice, at the time and place therein named, not less than twenty, nor more thirty days from the time of issuing such summons or venire, as a jury to ascertain and determine the just compensation to be made for the real estate required by such school district for such site, and the necessity for using the same, and to notify the owner or occupant of such real estate, if he can be found in the county, of the time when and the place where such jury is summoned to appear, and the object for which such

(Section 154.) Sub-sections 2 and 3 were by an amendment made in 1867.

jury is summoned; which notice shall be served at least ten days before the time specified in such summons or venire for the jury to appear, as hereinbefore mentioned.

(3716.) SEC. 156. Thirty days' previous notice of the time when, and the place where such jury will assemble, shall be given by the district board of such district, where the owner or owners of such real estate shall be unknown, non-residents of the county, minors, insane, *non compos mentis*, or inmates of any prison, by publishing the same in a newspaper published in the county where such real estate is situated; or, if there be no newspaper published in said county, then in some newspaper published in the nearest county where a newspaper is published, once in each week, for four successive weeks, which notice shall be signed by the district board, or by the director or assessor of such district, and shall describe the real estate required for such site, and state the time when, and the place where such jury will assemble, and the object for which they will assemble, or such notice may be served on such owner personally, or by leaving a copy thereof at his last place of residence.

(3717.) SEC. 157. It shall be the duty of such judge, commissioner or justice, and of the persons summoned as jurors, as hereinbefore provided, and of the sheriff or constable summoning them, to attend at the time and place specified in such summons or venire; and the officer who summoned the jury shall return such summons or venire to the officer who issued the same, with the names of the persons summoned by him as jurors, and shall certify the manner of notifying the owner (or owners) of such real estate, if he was found, and if he could not be found in said county, he shall certify that fact; either party may challenge any of the said jurors for the same causes as in civil actions. If more than twelve of said jurors in attendance shall be found qualified to serve as jurors, the officer in attendance, and who issued the summons or venire for such jury, shall strike from the list of jurors a number sufficient to reduce the number of jurors in attendance to twelve; and in case less than twelve of the number so summoned as jurors shall attend, the sheriff or constable shall summon a sufficient number of freeholders to make up the number of twelve, and the officer issuing the summons or venire for such jury, may issue an attachment for any person

summoned as a juror who shall fail to attend, and may enforce obedience to such summons, venire or attachment, as courts of record, or justices' courts are authorized to do in civil cases.

(3718.) SEC. 158. The twelve persons selected as the jury shall be duly sworn by the judge, commissioner, or justice in attendance, faithfully and impartially to inquire, ascertain and determine the just compensation to be made for the real estate required by such school district for such site, and the necessity for using the same in the manner proposed by such school district, and the persons thus sworn shall constitute the jury in such case. Subpoenas for witnesses may be issued, and their attendance compelled by such circuit judge, commissioner or justice, in the same manner as may be done by the circuit court or by a justice's court in civil cases. The jury may visit and examine the premises, and from such examination and such other evidence as may be presented before them, shall ascertain and determine the necessity for using such real estate in the manner and for the purpose proposed by such school district, and the just compensation to be made therefor; and if such jury shall find that it is necessary that such real estate shall be used in the manner, or for the purpose proposed by such school district, they shall sign a certificate in writing, stating that it is necessary that said real estate (describing it) should be used as a site for a school-house for such district; also, stating the sum to be paid by such school district as the just compensation for the same. The said circuit judge, circuit court commissioner, or justice of the peace, shall sign and attach to, and endorse upon the certificate thus subscribed by the said jurors, a certificate stating the time when, and the place where the said jury assembled; that they were by him duly sworn as herein required, and that they subscribed the said certificate; he shall also state in such certificate who appeared for the respective parties on such hearing and inquiry, and shall deliver such certificate to the director, or to any member of the district board of such school district.

(3719.) SEC. 159. Upon filing such certificate in the circuit court of the county where such real estate is situated, such court shall, if it finds all the proceedings regular, render judgment for the sum specified in the certificate signed by such jury against such school district, which judgment shall be

collected and paid in the manner as other judgments against school districts are collected and paid.

(3720.) SEC. 160. In case the owner of such real estate shall be unknown, insane, *non compos mentis*, or an infant, or cannot be found within such county, it shall be lawful for the said school district to deposit the amount of such judgment with the county treasurer of such county, for the use of the person or persons entitled thereto; and it shall be the duty of such county treasurer to receive such money, and at the time of receiving it, to give a receipt or certificate to the person depositing the same with him, stating the time when such deposit was made, and for what purpose; and such county treasurer and his sureties shall be liable on his bond, for any money which shall come into his hands under the provisions of this act, in case he shall refuse to pay or account for the same as herein required: *Provided*, That no such money shall be drawn from such county treasurer, except upon an order of the circuit court, circuit court commissioner, or judge of probate, as hereinafter provided.

(3721.) SEC. 161. Upon satisfactory evidence being presented to the circuit court of the county where such real estate lies, that such judgment, or the sum ascertained and determined by the jury as the just compensation to be paid by such district for such site, has been paid, or that the amount thereof has been deposited according to the provisions of the preceding sections, such court shall, by an order or decree, adjudge and determine that the title in fee of such real estate shall, from the time of making such payment or deposit, forever thereafter be vested in such school district and its successors and assigns, and shall, in and by such order or decree, award to such school district a writ of possession for the recovery of the possession of such real estate. A copy of which order or decree, certified by the clerk of said county, shall be recorded in the office of the register of deeds of such county, and the title of such real estate shall thenceforth, from the time of making such payment or deposit, be vested forever thereafter in such school district and its successors and assigns in fee.


(3722.) SEC. 162. Such school district may, at any time after making the payment or deposit hereinbefore required, enter upon and take possession of such real estate for the use of said district. And it shall be the duty of the county clerk of said

county, on the request of said school district, to issue out of and under the seal of the circuit court of said county a writ of possession as awarded in such order or decree; which writ shall be directed to the sheriff of such county, and shall be tested and made returnable, and shall be substantially, so far as may be, in the same form provided for writs of possession in actions of ejectment; and it shall be the duty of such sheriff thereupon to remove the respondent or respondents in such proceedings, and all persons holding under them or either of them, from the real estate described in such decree and in such writ, and deliver the possession thereof with the appurtenances to such school district.

(3723.) SEC. 163. In case the jury hereinbefore provided for shall not agree, another jury may be summoned in the same manner, and the same proceedings may be had, except that no further notice of the proceedings shall be necessary; but instead of such notice, the judge, commissioner, or justice may adjourn the proceedings to such time as he shall think reasonable, not exceeding thirty days, and shall make the process to summon a jury, returnable at such time and place as the said proceedings shall be adjourned to; such proceedings may be adjourned from time to time by the said judge, or commissioner, or justice, on the application of either party, and for good cause, to be shown by the party applying for such adjournment, unless the other party shall consent to such adjournment; but such adjournments shall not, in all, exceed three months.

(3724.) SEC. 164. The district board of any school district shall have power to fix the amount of tuition to be paid by non-resident scholars attending any of the schools in said district; and in cases where there shall be a union school in any such district, to be paid by scholars attending such union

(Section 164.) This section was enacted before the law for graded schools. It has been rendered useless by subsequent enactments; the powers it confers being secured to primary districts by the amendments to sections 57 and 58, and to graded school districts by sections 150. Sections 167, 168, 169, ought properly to precede section 164.



school, and to make and enforce suitable by-laws and regulations for the government and management of such union school, and for the preservation of the property of such district. Such district board shall also have power to regulate and classify the studies, and prescribe the books to be used in such school.

(3725.) SEC. 165. No alteration shall be made in the boundaries of any school district organized under the law for graded and high schools, without the consent of a majority of the trustees of said district; which consent shall be spread upon the records of the district, and placed on file in the office of the clerk of the board of school inspectors of the township to which the reports of said district are made; and districts organized under the law aforesaid shall not be restricted to nine sections of land.

(3726.) SEC. 166. Any school district having the requisite number of children between the ages of five and twenty years residing in such district, shall have power and authority to borrow money to pay for a site or sites for school-houses, to erect buildings thereon, and to furnish the same, by a vote of two-thirds of the qualified voters of said district, voting at any annual meeting, or special meeting duly called for that purpose: *Provided*, That the times of holding said meetings shall not be less than five days, nor more than six months apart, and that such school district shall have at least one hundred children between the ages aforesaid residing therein,

(*Section 166.*) In a positive form this section provides as follows:

Districts with	50 children,	may borrow	-----	\$3,000
"	100	"	"	----- 10,000
"	200	"	"	----- 20,000
"	300	"	"	----- 30,000
"	400	"	"	----- 50,000

Districts cannot pay over ten per cent per annum upon these loans. (*Section 170.*)

Can a District lend its Funds?—This is a question sometimes asked. There is no law relative to the question; but

and that in case the number of children between the ages aforesaid does not exceed two hundred, the entire amount of such indebtedness for money borrowed shall not exceed ten thousand dollars; and in case they do not exceed three hundred, such indebtedness shall not exceed twenty thousand dollars; and in case they do not exceed four hundred, such indebtedness shall not exceed thirty thousand dollars; and that no school district shall have an indebtedness to exceed fifty thousand dollars for money thus borrowed: *Provided further*, That any school district having over fifty and under one hundred children between the ages aforesaid, may borrow or loan not exceeding three thousand dollars.

(3727.) SEC. 167. The circuit judge, judge of probate, or circuit court commissioner of any county where any money has been deposited with the county treasurer of such county, as hereinbefore provided, shall, upon the written application of any person or persons entitled to such money, and upon receiving satisfactory evidence of the right of such applicant to the money thus deposited, make an order directing the county treasurer to pay the money thus deposited with him to said applicant; and it shall be the duty of such county treasurer, on the presentation of such order, with the receipt of the person named therein indorsed on said order and duly acknowledged, in the same manner as conveyances of real estate are required to be acknowledged, to pay the same; and such order, with the receipt of the applicant or person in whose favor the same shall be drawn, shall, in all courts and places, be presumptive evidence in favor of such county treasurer, to exonerate him from all liability to any person or persons for said money thus paid by him.

(3728.) SEC. 168. Circuit judges, circuit court commissioners, and justices of the peace, for any services rendered under

the law is such that it is to be presumed districts will sometimes have funds on hand, as for building purposes, which will not be used for some time. In such cases it seems unreasonable to conclude that the money must lie idle; and it is believed that it may be loaned, under such safeguards as the district shall direct.

the provisions of this act, shall be entitled to the same fees and compensation as for similar services in other special proceedings; jurors, constables, and sheriffs shall be entitled to the same fees as for like services in civil cases in the circuit court.

(3729.) SEC. 169. In case any circuit judge, circuit court commissioner, or justice of the peace, who shall issue a summons, or venire for a jury, shall be unable to attend to any of the subsequent proceedings in such case, any other circuit court commissioner, or justice of the peace, may attend and finish said proceedings.

(3730.) SEC. 170. Whenever any school district shall have voted to borrow any sum of money, the district board of such district is hereby authorized to issue the bonds of such district in such form, and executed in such manner by the moderator and director of such district, and in such sums, not less than fifty dollars, as such district board shall direct, and with such rate of interest, not exceeding ten per centum per annum, and payable at such time or times as the said district shall have directed.

(3731.) SEC. 171. Whenever any money shall have been borrowed by any school district, the taxable inhabitants of such district are hereby authorized, at any regular meeting of such district, to impose a tax on the taxable property in such district for the purpose of paying the principal thus borrowed, or any part thereof, and the interest thereon, to be levied and collected as other school district taxes are collected.

SURPLUS SCHOOL MONEYS.

(3741.) SEC. 172. The qualified voters in any school district, having a surplus of money, arising from the two-mill tax, and unexpended, when assembled at any annual or special school meeting, called in accordance with existing provisions of law

(Section 172.) No surplus moneys can be diverted under this section till after the school has been maintained eight months within the school year.

The order of the purposes as named, to which the surplus

therefor, shall have power to appropriate and use any such surplus money for any of the following purposes, to-wit:

First, For purchasing or enlarging school lot or lots;

Second, For building or repairing school-houses;

Third, For purchasing books for district library, maps and other school apparatus, or any incidental expenses of the school: *Provided, however*, That a school be maintained in each of said school districts at least eight months in each year: *And provided further*, That no money arising from the primary school fund shall be appropriated to any other purposes than that of paying teachers in any such school district.

APPEAL FROM INSPECTORS TO TOWNSHIP BOARD.

(3734.) SEC. 173. Whenever any five or more tax-paying electors, having taxable property within any school district, shall feel themselves aggrieved by any action, order, or decision of the board of school inspectors, with reference to the formation, or any division or consolidation of said school district, they may, at any time within sixty days from the time of such action on the part of said school inspectors, appeal from such action, order, or decision of said board of school inspectors to the township board, or boards of the townships in which such school district is situated; and in case of fractional school districts, such appeal shall be made to the several township boards of the several townships in which the different parts of said fractional school district are situated, who

is to be appropriated, is not essential. The voters may appropriate to either of the purposes named.

And under section 23, moneys can be used for any school purpose on a two-thirds vote of all the tax-payers of the district.

(*Section 173.*) The township board consists of the supervisor, the two justices of the peace whose term of office will soonest expire, and the township clerk. (Compiled Laws, p. 283.) Section 175 excludes the township clerk from acting in the case.

shall have power, and whose duty it shall be to entertain such appeal, and review, confirm, set aside, or amend the action, order, or decision of the board of school inspectors thus appealed from, or, if in their opinion the appeal is frivolous, or without sufficient cause, they may summarily dismiss the same.

(3735.) SEC. 174. Said appellants shall, before taking such appeal, make out and file with the board of school inspectors, or, in case of fractional school districts, to the joint boards of school inspectors, a written statement to be signed by said appellants, setting forth in general terms the action, order, or decision of the board or boards of school inspectors with respect to which the appellants feel themselves aggrieved, and their demand for an appeal therefrom to the township board or boards of said township; and shall also cause to be executed and signed by one of their number, and by two good and sufficient sureties, to be approved by the clerk of said board or boards of school inspectors, or by any justice of the peace of the township, and filed with the clerk of said board or boards of school inspectors, a bond, to the people of the State of Michigan in the penal sum of two hundred dollars, conditioned for the due prosecution of said appeal, before said township board or boards, and also, in case of the dismissal of said appeal as frivolous by said township board, for the payment by said appellants of all costs occasioned to the township by reason of said appeal.

(3736.) SEC. 175. Upon the filing of such appeal papers and bond with the said board or boards of school inspectors, the said board or boards of school inspectors shall, within ten days thereafter, make out and file with the clerk of said township, a full and complete transcript of all their proceedings, actions, orders, or decisions, with reference to which the appeal is taken, and of their records of the same; also, said bond and appeal papers, and all petitions and remonstrances, if any, with reference to the matters appealed from; and upon the filing of the same with the township clerk, the said township board or boards shall be deemed to be in possession of the case, and if the return be deemed by them insufficient, may order a further and more complete return by said board or boards of school inspectors, and when such return shall by them be deemed sufficient, they shall proceed with the consideration of

the appeal, at such time or times, within ten days after such return, and in such manner and under such affirmation, amendment or reversal of the action, order, or decision of the board or boards of school inspectors appealed from, as in their judgment shall seem to be just and right, or if they may deem the appeal to be frivolous, they may summarily dismiss the same; but the decision of said board or boards of school inspectors shall not be altered or reversed unless a majority of such township board, not members of said board or boards of school inspectors, shall so determine.

SCHOOL DISTRICT LIBRARIES.

[Act approved February 15, 1869.]

(3748.) SECTION 1. At the annual town meetings to be held in April next, the legal voters voting in the respective townships of the State, shall determine, by ballot, for the continuance of the township library, or for the establishment of district libraries in the place thereof. A separate box shall be kept for their votes, and the ballots shall have written or printed thereon, "township library," or "district libraries." If a majority of the ballots so cast in any township, shall have "township library" thereon, the library shall remain as before; but if a majority of the ballots shall have "district libraries" thereon, then the township inspectors, at their next meeting thereafter, shall proceed to divide the township library equitably among the districts and parts of districts in such township, in proportion to the number of children of legal school ages therein, and shall deliver the same to the district boards of the districts to which they may be apportioned. Said books

(Section 1.) The books apportioned to a fractional district are to be kept as a district library for that district. They cannot be put into the township library of any other township in which such fractional district may be partly situated, but must be retained as a district library, *for the use of the district.*

The authority to vote a division of the township library, under this section, was confined to the year of its enactment. The power to divide township into district libraries belongs, under a later amendment of section 114, to the board of inspectors, whenever requested by the majority of the districts.

shall thereafter belong to the respective districts, and shall constitute district libraries for the use of the residents of such districts.

(3749.) SEC. 2. The district board shall be held accountable for the proper care and preservation of the district library, and shall have power to provide for the safe keeping of the same; to prescribe the time for taking and returning books, and to assess and collect all fines and penalties for the loss or injury of said books. The district board shall appoint a librarian, and determine the place where the library shall be kept,

(*Section 2.*) The district board may appoint a librarian, and remove him at pleasure.

The board are authorized by the law to provide a suitable case, without waiting for a vote of the district. The case should be commodious in size, and strong. It should be also provided with a good lock and key.

Whenever the district board may deem it safe to keep the library at the school-house, it must be deposited there. Perhaps in most instances, if a suitably strong case is provided, it will be found safe to keep the library at the school-house during the school-terms. It will frequently be found desirable to appoint the the teacher librarian, and especially if the library is kept at the school-house.

Before delivering the books to the librarian, two lists of such books should be made, one to be kept by the district board, and the other to be furnished to the librarian, and notes should be made of the condition of each book. The librarian's receipt should be attached to the list retained by the board.

The district board should also make some written rules for the drawing and returning of the books, with penalties for their injury or loss, and should appoint the time (say Friday afternoon of each week) when the library shall be open.

but in all cases in which the library may be properly secured at the district school-house, it shall be kept at such school-house.

(3750.) SEC. 3. The library moneys belonging to any township so determining in favor of district libraries, or which may hereafter belong to such township, shall be apportioned among the several districts thereof, in the same manner as the primary school moneys are apportioned, and shall be expended by the district boards in purchasing books for the district libraries.

(3751.) SEC. 4. It shall be the duty of the State Board of Education to make a list of books which are unsectarian in character, and suitable for district or township libraries, which list they may from time to time revise and amend; to advertise for proposals for furnishing the same, and to contract with the lowest responsible bidder to furnish such books to the districts or townships ordering them, in suitable binding and at stipulated prices; said contract to be made biennially, and the advertisements for proposals to be made in at least two papers of the largest circulation in the State, for one month before making the contract. Previous to the first day of January in each year, the Superintendent of Public Instruction shall send to the director of each district having a district library, and the clerk of each township having a township library, a list of the books contracted for, with the prices of the same, from which list the district board, or township board of inspectors shall, unless a different order shall have been made by the voters

(Section 4.) The State Board of Education revised and published a list of library books, for several years; but so few books were purchased from the list, no bookseller was found ready to make a bid to furnish the books at reduced rates; and, the board therefore, found that their labor was valueless; and as the publication and circulation of the prepared lists incurred a large expense,—amounting to several hundred dollars,—it was thought best to discontinue the publication of the same.

of the district or township, annually or oftener, select and purchase books for the district or township libraries, to the full amount of library moneys in their hands.

(3752.) SEC. 5. It shall be the duty of contractors to furnish, at the prices contracted for, the books so selected for the libraries, and cause them to be forwarded to such points on any main thoroughfare as the district or township board may direct.

(3753.) SEC. 6. In any township which shall have divided its township library among the several school districts, as provided for in section one of this act, the board of school inspectors may, by resolution, order the question to re-establish the township library, to be submitted to the legal voters voting in the respective townships of the State; when the said board shall so order, the township clerk shall give at least ten days' notice of such submission by posting up the same in three of the most public places in said township, ten days before any regular township meeting. At such township meeting the electors of said township shall vote upon the said proposition in the same manner as provided for in section one of this act, and if a majority shall vote in favor of township library, the same shall be re-established, and the several school district officers shall return all library books in their possession to the office of the township clerk in their respective townships: *Provided*, That this act shall not apply to districts voting at their annual meeting to retain their respective libraries.

(3755.) SEC. 1. Act approved April 13th, 1871. It shall be lawful for any persons or board entrusted by law with the control of town or other public libraries, to lease a suitable room or rooms for the accommodation thereof, or to contract with any incorporated polytechnic, or literary, or scientific association for the safe keeping of any such library, in the rooms or buildings of any such association, for such period as may be agreed upon: *Provided*, Such library shall continue under the control of the persons or board entrusted with the same by law: *And provided, also*, That no such association shall thereby obtain any interest in the ownership of such library, or in the funds provided for its support, and that no further restriction shall be placed upon the free use thereof, by the public, than would be imposed had no such arrangement been made.

RULES FOR TOWNSHIP LIBRARIES.

The following rules are prepared under section 4, page 9, which requires the Superintendent of Public Instruction to annex to the school laws, such rules as he may think proper, for the government of such libraries :

1. The township librarian shall properly label and number each book in the township library, and keep a catalogue of the same, showing the title and number of each book.

2. The times for drawing and returning books by the district directors shall be on the first Saturday of January, April, July, and October, between the hours of 10 o'clock A. M. and 3 o'clock P. M., or at other times, in the discretion of the librarian. The librarian shall charge directors with the books drawn by their *numbers*, and credit or cancel the same when returned.

3. Any resident of a district may draw books from the director, on each Friday, from 3 o'clock till 5 o'clock P. M., but any person under fourteen years of age must present a written request from his parent or guardian.

4. No person shall be entitled to more than one volume at a time unless they are of the same work; and no family shall draw more than one volume while other families wishing books are unsupplied.

5. No person shall loan a library book to any one out of his own house, under a penalty of twenty-five cents for each offense; and no person shall retain a book more than two

weeks, under a penalty of five cents for each day beyond that time; nor shall any person draw a book while unlawfully detaining a volume from the library, or while any fine against him remains unpaid.

6. Any person losing or destroying a library book shall pay the cost of such book, and a penalty equal to twenty-five per cent of said cost; and any person unnecessarily injuring a book shall pay the full damage thereto, the same to be determined by the director.

7. In townships where the inspectors shall have suspended section 115 of the school laws, the township librarian shall loan the books to the residents of the township, under the same rules as above given for the directors to loan to the districts.

8. All moneys received for fines or penalties by the directors shall be paid over to the township librarian, who shall pay the same, together with all other moneys he shall receive of similar character, into the township library fund.

9. The township librarian shall, on the first of September in each year, make a written report to the inspectors, setting forth the number of volumes in the library, and their condition. The report shall state what books have been added to the library during the year, and what lost, if any; and what amount of fines have been imposed and collected; the number of volumes that have been drawn, and whether by directors or under suspension of section 115, together with such other particulars as the inspectors shall direct; which report the inspectors shall place on file, and forward a duplicate thereof to the Superintendent of Public Instruction.

AN ACT TO PROVIDE FOR COUNTY SUPERINTENDENTS OF SCHOOLS.

(3756.) SECTION 1. There shall be a County Superintendent of common schools in each organized county of this State, except as hereinafter provided, whose term of service shall be two years.

(3757.) SEC. 2. The first election of the County Superintendent shall be held on the first Monday of April, 1867, and every two years thereafter. The election provided for by this act shall be conducted, as near as may be, in the same manner and by the same officers, and the inspectors of election shall make the same canvass, statement and returns, as is provided by law for the election of a Judge of the Supreme Court, and said Superintendent shall be voted for on the same ballot as the judge aforesaid, and the board of county canvassers shall determine and declare the person thus elected to the office of County Superintendent.

(3758.) SEC. 3. A certificate of election shall be immediately issued by the county board of canvassers to the person so elected to the office of County Superintendent, who shall, within twenty days thereafter, take and subscribe the oath of office prescribed by the Constitution of this State, and deposit the same with the county clerk, to be filed and preserved in his office, when it shall be the duty of the county clerk to report the name and postoffice address of the County Superintendent to the Superintendent of Public Instruction; and the County Superintendent thus elected shall enter upon the duties of his office on the first day of May following, and shall hold his office at the county seat, or at some other place to be designated by the board of supervisors.

(3759.) SEC. 4. The supervisors, or a majority of them, present at their first regular meeting, shall determine the com-

pensation to be paid to the County Superintendent, but such compensation shall not be less than three dollars, nor more than five dollars for each day actually employed in the duties of his office, for such number of days as the supervisors may determine: *Provided*, That the number of days shall not be less than the number of school districts in said county, and one day for each township thereof, for the examination of teachers. The compensation of the County Superintendent shall be paid quarter yearly from the county treasury; but before he shall be entitled to receive such compensation, he shall file in the office of the county clerk a sworn statement of his account.

(3760.) SEC. 5. The County Superintendent shall examine all persons offering themselves as teachers for the public schools, and shall attend in each township in his county, at least once in each year for that purpose, and twenty days before the time for such examinations, he shall notify the township clerk of the time and place thereof; and said clerk shall immediately cause written or printed notices of the same to be posted in three or more public places in the township. He may also hold examinations at such other times and places as he may appoint; but all examinations shall be public. [See appendix C.]

(3761.) SEC. 6. He shall grant certificates, in such form as shall be prescribed by the Superintendent of Public Instruction, licensing as teachers all persons whom, on thorough and full examination, he shall deem qualified in respect to good moral character, learning, and ability to instruct and govern a school; but no certificate shall be granted to any person who shall not pass a satisfactory examination in orthography, reading, writing, grammar, geography, and arithmetic. No person shall be accounted a qualified teacher, within the meaning of the primary school law, nor shall any school officer employ or contract with any person to teach in any of the public schools of this State, who has not such a certificate in force, or the certificate provided by law to be given to the graduates of the State Normal School, or the certificate of the Superintendent of Public Instruction: *Provided*, That the certificates heretofore granted by the school inspectors shall be valid for the term for which they were given, unless sooner revoked by the County Superintendent, on examination:

Provided, also, That the school inspectors may examine teachers and grant certificates, until a County Superintendent is elected and qualified, and whenever there shall be a vacancy in that office; but no certificate hereafter granted by the school inspectors shall be valid beyond three months after the next subsequent election of a County Superintendent. [See Appendix C.]

(3762.) SEC. 7. There shall be three grades of certificates for teachers, to be granted by the County Superintendent in his discretion, as follows, viz:

1. The certificate of the first grade shall be granted to no person who has not taught at least one year in this State, with approved ability and success, and it shall be valid throughout the county, in and for which it was granted, for two years.

2. The certificate for the second grade may be granted to any person of approved learning, qualification, and character, and shall be valid throughout the county for one year.

3. The certificate of the third grade shall license the holder thereof to teach in some one specified township, and shall not continue in force for more than six months. The County Superintendent may revoke any teacher's certificate for any reason which would have justified the withholding thereof when the same was given, or for gross negligence of duty, or for incompetency or immorality, which reason shall not be spread upon the records of said Superintendent, unless requested by the teacher; but no certificate shall be revoked without a re-examination, unless the holder of such certificate shall, after reasonable notice, neglect or refuse to appear before the Superintendent for such re-examination. The Superintendent shall keep a record of all the certificates granted or annulled by him, with the date, grade, and duration of each, and shall deliver such record, with all other books and papers belonging to his office, to his successor.

(3763.) SEC. 8. The Superintendent of Public Instruction, on such evidence as may be satisfactory to him, may grant

(Section 7.) Section 2 of the Normal School law, gives the Superintendent power to suspend a certificate given by the Board of Instruction of the Normal School.

certificates licensing the holders thereof as teachers, duly qualified to teach in any of the primary or graded schools in this State, which certificate shall be valid until duly revoked by said Superintendent.

(3764.) SEC. 9. It shall be the duty of the County Superintendent:

1. To visit each of the schools in his county at least once in each year, to examine carefully into the discipline and the modes of instruction, and into the progress and proficiency of the pupils, and to make a record of the same, and to counsel with teachers and district boards as to the course of studies to be pursued, and for the improvement of the instruction and discipline of the schools.

2. To note the condition of the school-house and appurtenances thereto, and to suggest plans for new school-houses to be erected, and for warming and ventilating the same, and the general improvement of school-houses and grounds.

3. To inquire into the condition of district and township libraries, and to counsel, if necessary, for the better management of the same; and to see that the money collected from fines is devoted to the increase of said libraries.

4. To promote, by public lectures and teachers' institutes, and by such other means as he may devise, the improvement of the schools in his county and the elevation of the character and qualifications of the teachers thereof.

5. To consult with the teachers and school boards to secure the more general and regular attendance of the children in his county upon the public schools.

(3765.) SEC. 10. It shall be the duty of the County Superintendent to receive all such blanks and communications as may be directed to him by the Superintendent of Public Instruction, and to dispose of the same in the manner directed by the said Superintendent.

(3766.) SEC. 11. The annual reports of the township inspectors, provided by section 79 [of the school laws], of chapter 78 of the compiled laws, shall hereafter be made to the County Superintendent, and he shall, immediately after receiving such reports, file copies of the same in the office of the county clerk and transmit duplicates thereof, together with such other information as may be required of him, to the Superintendent of Public Instruction. He shall examine into the correctness

of the inspectors' reports, and may, when necessary, require the same to be amended, and shall indorse his approval on such as he shall find correct. In case of a vacancy in the office of County Superintendent, the reports of the school inspectors shall be received and transmitted as aforesaid by the county clerk.

(3767.) SEC. 12. The County Superintendents shall be subject to such rules and instructions as the Superintendent of Public Instruction may, from time to time, prescribe; and they shall make reports annually to the Superintendent of Public Instruction, at such times as he may direct, of the official labor performed, and of the general condition and management of the schools under their charge, and such other information as may be required of them by the said Superintendent.

(3768.) SEC. 13. No County Superintendent shall act as agent for any author, publisher, or book-seller, or shall, directly or indirectly, receive any gift, emolument, or reward for his influence in recommending the purchase or use of any library or school-book, or school apparatus, or furniture of any kind whatever; any act herein prohibited, shall be deemed a violation of his oath of office, and any employment of such Superintendent by any author, publisher, or book-seller, for that purpose, shall be deemed a misdemeanor.

(3769.) SEC. 14. Whenever by death, resignation, or removal, or otherwise, the office of County Superintendent shall become vacant, the State Superintendent shall have power to fill such vacancy.

(3770.) SEC. 15. All schools which, by special enactment, may have a board authorized to inspect and grant certificates to the teachers employed by the same, shall be exempt from the provisions of this act, except as is provided in sections eight and eleven.

SEC. 16. Section ninety-one [of the school laws], of chapter seventy-eight, of compiled laws, shall be amended so as to read as follows:

SEC. 91. The whole number of meetings of the township board of inspectors, during any one year, at the expense of the township, shall not exceed four; and the township clerk shall give at least ten days' public notice of any meeting of the board, by posting such notice in three public places in the township.

(3771.) SEC. 17. Sections seventy-four, eighty-five, eighty-six, eighty-seven, eighty-eight, eighty-nine, and ninety [of the school laws], of chapter seventy-eight, of the compiled laws, and all other acts or parts of acts inconsistent with this act, are hereby repealed.

(3772.) SEC. 18. This act shall not take effect in any county, unless there be at least ten school districts in such county.

AN ACT TO COMPEL CHILDREN TO ATTEND SCHOOL.

(3737.) SECTION 1. *The People of the State of Michigan enact,* That every parent, guardian, or other person in the State of Michigan having control and charge of any child or children between the ages of eight and fourteen years, shall be required to send any such child or children to a public school for a period of at least twelve weeks in each school year, commencing on the first Monday of September, in the year of our Lord eighteen hundred and seventy-one, at least six weeks of which shall be consecutive, unless such child or children are excused from such attendance by the board of the school district in which such parents or guardians reside, upon its being shown to their satisfaction that his bodily or mental condition has been such as to prevent his attendance at school or application to study for the period required, or that such child or children are taught in a private school, or at home, in such branches as are usually taught in primary schools, or have already acquired the ordinary branches of learning taught in the public school: *Provided,* In case a public school shall not be taught for three months during the year, within two miles by the nearest traveled road, of the residence of any person within the school district, he shall not be liable to the provisions of this act.

(3738.) SEC. 2. It shall be the duty of the director of every school district, and president of every school board within this State, to cause to be posted three notices of this law in the most public places in such district, or published in one newspaper in the township for three weeks, during the month of August in each year, the expense of such publication to be paid out of the funds of said district.

(3739.) SEC. 3. In case any parent, guardian, or other person shall fail to comply with the provisions of this act, said parent, guardian, or other person shall be liable to a fine of

not less than five dollars or more than ten dollars for the first offense, nor less than ten dollars or more than twenty dollars for the second and every subsequent offense ; said fine shall be collected by the director of said district in the name of the district in an action of debt or on the case, and when collected shall be paid to the assessor of the district in which the defendant resided when the offense was committed, and by him accounted for the same as money raised for school purposes.

(3740.) SEC. 4. It shall be the duty of the director or president to prosecute any offense occurring under this act, and any director or president neglecting to prosecute for such fine within ten days after a written notice has been served on him by any tax-payer in said district, unless the person so complained of shall be excused by the district board, shall be liable to a fine of not less than twenty or more than fifty dollars, which fine shall be prosecuted for and in the name of the assessor of said district, and the fine when collected shall be paid to the assessor, to be accounted for as in section three of this act.

NORMAL SCHOOL DIPLOMAS.

The following is the act authorizing the State Board of Education to grant diplomas to graduates of the State Normal School, as amended in 1863, and 1871:

(3530.) SECTION 1. The State Board of Education is authorized to grant to such students as shall have completed the full course of instruction in the State Normal School, and shall have been recommended by the board of instruction, a diploma, which, when signed by the members of the Board of Education, and by the board of instruction, shall be evidence that the person to whom such diploma is granted is a graduate of the State Normal School, and entitled to all the honors and privileges belonging to such graduates.

(3531.) SEC. 2. The board of instruction of the Normal School shall give to every graduate receiving such diploma a certificate, which shall serve as a legal certificate of qualification to teach in the primary schools of any township in this State, when a copy thereof shall have been filed or recorded in the office of the county superintendent of common schools. Such certificate shall not be liable to be annulled except by the board of instruction, but its effect may be suspended in any county, and the holder thereof may be stricken from the list of qualified teachers in such county, by the county superintendent of common schools for the county in which said township may be situated, for any cause and in the same manner as he now is by law authorized to revoke certificates given by himself, and in case there be no such county superintendent for the county in which said township is situated, then the said certificate so given by the board of instruction may be suspended in any such township, and the holder thereof stricken from the list of qualified teachers in said township, by the school inspectors for said township, for any cause that authorizes them to annul a certificate given by themselves, and such suspension in either case shall continue in force until revoked by the authority suspending it.

TEACHERS' INSTITUTES.

[Act as amended March 16, 1861.]

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(3789.) SECTION 1. Whenever reasonable assurance shall be given to the Superintendent of Public Instruction, that a number not less than fifty, or in counties containing a population of less than twelve thousand inhabitants, whenever twenty-five teachers of common schools shall desire to assemble for the purpose of forming a Teachers' Institute, and to remain in session not less than five working days, said Superintendent is authorized to appoint a time and place for holding such Institute, to make suitable arrangements therefor, and to give due notice thereof.

(3790.) SEC. 2. For the purpose of defraying the expense of rooms, fires, attendance, or other necessary charges, and for procuring teachers and lecturers, the Auditor General shall, upon the certificate of the Superintendent of Public Instruction, that he has made arrangements for holding such Institute, draw his warrant upon the State Treasurer for such sum as said Superintendent shall deem necessary for conducting such Institute, which sum shall not exceed one hundred dollars for each Institute of five days' duration, and shall be paid out of the general fund.

(3791.) SEC. 3. Said Superintendent, in case of inability personally to conduct any Institute or to make the necessary arrangements for holding the same, is authorized to appoint some suitable person or persons for that purpose: *Provided*, That not more than eighteen hundred dollars shall be drawn from the Treasury in any one year, to meet the provisions of this act.

(Section 1.) Refer to Form 27 and explanatory note.

TEACHERS' ASSOCIATIONS.

[Act Approved February 12, 1857.]

(3152.) SECTION 1. Any fifteen or more teachers, or other persons residing in this State, who shall associate for the purpose of promoting education and science, and improvements in the theory and practice of teaching, may form themselves into a corporation, under such name as they may choose, providing they shall have published, in some newspaper printed at Lansing, or in the county in which such association is to be located, for at least one month previous, a notice of the time, place, and purpose of the meeting for such association, and shall file in the office of the Secretary of State a copy of the constitution and by-laws of said association.

(3153.) SEC. 2. Such association may hold and possess real and personal property to the amount of five thousand dollars; but the funds or property thereof shall not be used for any other purpose than the legitimate business of the association in securing the objects of its corporation.

(3154.) SEC. 3. Upon becoming a corporation, as hereinbefore provided, they shall have all the powers and privileges, and be subject to all the duties of a corporation, according to the provisions of chapter fifty-five of the revised statutes of this State [Chap. 130, Compiled Laws], so far as such provisions shall be applicable in such case, and not inconsistent with the provisions of this act.

LAW TO ESTABLISH A UNIFORMITY OF TEXT-BOOKS IN THE PUBLIC SCHOOLS OF BERRIEN COUNTY.

SECTION 1. *The People of the State of Michigan enact, That* the persons hereinafter mentioned shall be and the same are hereby constituted a board for the establishment of a uniformity of text-books in the public schools of Berrien county. The persons constituting such board shall be the County Superintendent of common schools in each county, and one school inspector or other person, from each township; such inspector or other person to be appointed by the inspectors of such township, who shall give the person so appointed a certificate of such appointment, which certificate shall be filed with the county clerk of such county at or before the meeting of such board.

SEC. 2. The County Superintendent shall preside at the meetings of such board, and in all cases of a tie shall give the casting vote. In the absence of the County Superintendent, such board may elect one of their number to preside. The county clerk shall be the clerk thereof, but shall not be entitled to a vote, and shall keep a record of the proceedings of such board in a book provided for that purpose, the daily proceedings of such board to be signed by himself and the County Superintendent, or other person presiding in his absence.

SEC. 3. It shall be the duty of the county clerk to cause to be published, at the expense of the county, in at least two of the leading weekly newspapers of the State, for a period of four weeks next preceding the first day of July, A. D. 1873, and every five years thereafter, a notice stating that the county clerk of said county will receive, until the first day of August next ensuing, samples of text-books designed for instruction and use in the public schools in the following branches, to wit: Spelling, reading, writing, geography, arithmetic, gram-

mar, book-keeping, philosophy, history, science of government, and algebra; also, sealed proposals stating the price and terms upon which the parties sending any sample will furnish and keep for sale, for the ensuing five years, at such places as the board may designate, a supply of such books for the use of the public schools of such county, and that ample security will be required for the faithful performance of each and every contract made in pursuance of such notice.

SEC. 4. All samples and proposals received by such clerk, shall remain sealed while in his possession, and he shall deliver them sealed to such board at their next meeting.

SEC. 5. Such board are hereby authorized, and it is made their duty, on or before the first day of August, A. D. 1873, and on or before said date every fifth year thereafter, to select from such samples as may be delivered to them by the clerk, or from any other source, a list of such books as they may deem best suited for instruction and use in the public schools of such county; said list not to exceed one book of a kind in each grade of the following branches, to wit: Spelling, reading, writing, geography, arithmetic, grammar, book-keeping, philosophy, history, science of government, and algebra, but no selection shall be deemed to be made until a written contract shall be entered into with the person or persons proposing to sell or furnish such books, and who shall execute bonds to the county jointly and severally, with good and sufficient sureties, in such penal sums as the said board shall require for the faithful performance of such contract. Such contract shall specify the kinds of books to be furnished, the places where they shall be kept for sale, and the retail price to be paid for each book, and shall be signed by the clerk, the chairman of the board, and the person or persons entering into contract; such contract and bond shall be filed in the office of the county treasurer of such county, and the board shall cause the list so selected to be published in all the weekly newspapers published in the county, during the four weeks subsequent to the making of such selection, and the list, so selected, shall be and remain authoritative and binding, throughout said county, for and during five years from and after September first, A. D. 1873, and each five years thereafter, and said board shall not make any revision after 1873, nor cause to be changed the same kind of book oftener than once in five years.

SEC. 6. If at any time the parties contracting to furnish such books fail to fulfill such contract, a special meeting of such board may be called, as hereinafter provided, and may take such action thereon as in their judgment is required; and they are hereby authorized to declare such contract void and to change such books on account of such failure to fulfill, but for no other reason; and it shall be the duty of the county treasurer forthwith to prosecute the bonds of such delinquent contractor.

SEC. 7. The county clerk shall give notice of the time and place of the regular meetings of such board, by publication at least once a week for three successive weeks previous to such meeting, in at least two newspapers published in the county, or if there be but one newspaper in the county, in such newspaper; and when the county clerk shall receive a complaint in writing, signed by at least nine (9) inspectors, that the books are not furnished as per contract, he shall call a special meeting of the board, in the same manner as is above prescribed for calling regular meetings.

SEC. 8. After the first day of January, A. D. 1874, the township treasurer shall not pay over any school moneys to any school district in his township until a certificate has been filed with such township treasurer, signed by one of the inspectors of the township, and certifying that the text-books selected in accordance with the provisions of this law, are in use in such school district.

SEC. 9. School districts numbering over three hundred children, drawing primary school money, and sustaining a graded school therein, may be exempted from the operation of this law if a majority of the legal voters of such district shall so decide at their annual school meeting or at a special meeting called for that purpose, and no fractional school district embracing territory in two or more counties shall be subject to its operation, unless the school-house of such fractional district is situated in the county in which such uniformity of text-books is adopted.

SEC. 10. A majority of the members of such board shall constitute a quorum for the transaction of business, and for carrying out the provisions of this law; but it shall require the consent of a majority of all the members of such board to establish any text-book.

SEC. 11. The compensation of the members of such board, except the County Superintendent, shall be the same as the compensation of the jurors of the circuit court, and they shall be paid by the county treasurer, upon the certificate or order of the county clerk. The County Superintendent shall receive no pay as a member of such board.

FORMS FOR PROCEEDINGS UNDER THE SCHOOL LAW.

No. 1.

Form of Notice by the Clerk of the Board of Inspectors to a Taxable Inhabitant of a District at the time of its formation.

[See Sections 1, 2, 8, 4, 7, and 129.]

To A..... B.....:

SIR—The school inspectors of the township of.....have formed a school district in said township, to be known as District No., and bounded [here insert the description].

The first meeting of said district will be held at.....on the day of, A. D. 18.., at o'clock A. M. [or P. M.], and you are instructed to notify every legal voter of said district of the same, at least five days previous to said meeting, either personally, or by leaving a written notice at his place of residence. You will endorse on this notice a return, showing each notification, with the date or dates thereof, and deliver the same to the chairman of said meeting.

Dated this..... day of, A. D. 18...

(Signed,)

C..... D.....,

Clerk of the Board of School Inspectors.

No. 2.

Form of Notice for first Meeting—when made in Writing, to be left at the house of every Legal Voter.

[See Sections 1, 2, 145, and 129.]

To C..... B.....:

SIR—School District No., of the township ofhaving been formed by the inspectors, you, as a legal voter in said district, are

hereby notified that the first meeting thereof will be held at-----,
on the ---- day of -----, A. D. 18.., at ----- o'clock in the
-----noon.

Dated this ----- day of -----, 18..

(Signed,)

A.... B....

The person appointed to give Notice.

Remarks.—If the district is in more than one township, the description will be varied accordingly.

The notice is to be given to every person, man or woman, 21 years of age, liable to pay a district tax, and three months a resident, and to all who are voters at a township meeting, though not tax-payers.

No. 3.

Form of Endorsement upon the Notice—Form No. 1—by “Taxable Inhabitant.”

[See Sections 8 and 145.]

I, A.... B...., hereby return the within (or annexed) notice, and have notified the qualified voters of the district, as follows:

NAMES.	DATE.	HOW NOTIFIED.
A.... B.....	January 1, 1864.	Personally.
C.... D.....	“ “	Written Notice.
-----	-----	-----
-----	-----	-----

Dated at -----, this ----- day of -----, 18....

(Signed,)

A.... B....

No. 4.

Form of Acceptance of Office by District Officers, to be filed with the Director.

[See Sections 5, 180, and 149.]

I do hereby accept the office of _____ in School District No. _____, of the township of _____

Dated this _____ day of _____, 18____

(Signed,)

A---- B----

Remark.—This acceptance must be filed within ten days after the election, or appointment, or the office is vacant; except in case of re-election or re-appointment to the same office.

No. 5.

Form of Notice of Annual Meetings.

[See Sections 11, 18, 50, and 180.]

NOTICE.—The annual meeting of School District No. _____, of the township of _____, for the election of school district officers, and for the transaction of such other business as may lawfully come before it, will be held at _____, on Monday, the ____ day of September, A. D. 18__, at _____ o'clock in the _____ noon.

Dated this _____ day of August, 18__.

(Signed,)

_____, *Director.*

Remark.—This must be posted by the director in three of the most public places in the district—one of them being on the school-house, if there is one—six days before the meeting; but the meeting should be held at the usual time and place, as near as may be, though the notice is not given.

No. 6.

Form of Request to be made by five Legal Voters of a District to the District Board for the calling of a Special Meeting.

[See Sections 12 and 18.]

To the District Board of School District No. _____, [or to A---- B----, etc., one of the district board :]

The undersigned, legal voters of School District No. _____, of the township of _____, request you, in pursuance of section 12, of the

primary school law, to call a special meeting of said district, for the purpose of

Dated this day of, A. D. 18..

(Signed,)

.....,
.....,
.....,
.....,
.....,

No. 7.

Form of Notice of Special Meetings.

[See Sections 12, 13, and 50.]

NOTICE.—A *special meeting* of the legal voters of School District No., in the township of, called on the written request of five legal voters [or called by the district board, as the case may be], will be held at [the district school-house], on the day of, 18.., at o'clock [P. M.], for the purpose of [here insert every object that is to be brought before the meeting].

(Signed,)

A.... B...., *Director*.

No. 8.

Form of Contract between District Board and Teacher.

[See Sections 39, 60, and 85.]

It is hereby contracted and agreed between of District No., in the township of, county of, and State of Michigan, and, a legally qualified teacher in said township, that the said shall teach the primary school of said district for the term of months, commencing on the day of, A. D. 18..; and the said agrees faithfully to keep a correct list of the pupils, and the age of each, attending school, and the number of days each pupil is present, and to furnish the director with a correct copy of the same at the close of the school; and to observe and enforce the rules and regulations established by the district board.

The said, in behalf of said district, agrees

to keep the school-house in good repair, and to provide the necessary fuel, and to pay said.....for the said services as teacher, to be faithfully and truly rendered and performed, the sum of dollars, the same being the amount of wages above agreed upon, to be paid on or before the day of, 18...: *Provided*, That in case said.....shall be dismissed from school, by the district board, for gross immorality, or violation of this contract, or shall have.....certificate annulled by the school inspectors [or County Superintendent of Schools, as the case may be],shall not be entitled to any compensation from and after such annulment or dismissal.

In witness whereof, we have hereunto subscribed our names, this.... day of, A. D. 18..

Approved by

.....,
....., *Teacher*.

Remarks.—A duplicate of the contract must be furnished to the teacher. Section 39.

If any other time for a month than four weeks of five days in each week is agreed upon, it must be specified in the contract.

The director should see that the required list of pupils is properly kept. See blank form No. 27.

No. 9.

Form of Order upon Assessor for Moneys to be Disbursed by him for the School District.

[See Sections 29 and 53.]

Assessor of School District No., Township of

Pay to the order of....., the sum of dollars, out of any moneys in your hands belonging to the fund, for [here insert name of fund, as teachers' wages, building, library, &c].

Dated this..... day of, A. D. 18..

A.... B...., *Director*.

[Countersigned:]

C.... D...., *Moderator*.

Remark.—An order for a teacher's wages in full should not be drawn till the report of the teacher, as mentioned in the contract, is furnished the director.

No. 10.

Form of Warrant upon Township Treasurer for Moneys belonging to School Districts.

[See Sections 29, 58, and 109.]

Treasurer of the Township of.....:

Pay to....., assessor of School District No., in said township,* the sum of..... dollars, out of [here insert the particular fund], in your hands, belonging to said district.

Dated at, this day of, 18--

A.... B...., *Director*.

[Countersigned :]

C.... D...., *Moderator*.

Remark.—The board cannot legally draw a warrant upon the town treasurer in favor of anybody but the assessor.

No. 11.

Form of Report by the District Board to the Supervisors.

[See Sections 24, 56, 57, 58, 106, 107, and 108.]

Supervisor of the Township of.....:

The undersigned, district board for School District No., in said township, do hereby certify that the following taxes have been voted in said district, during the school year last closed, and estimated by the district board, under the provisions of section 24 of the school laws, viz: [Here specify the amount of each tax voted and estimated, and the purpose to which it is appropriated, and give the sum total of the whole], which you will assess upon the taxable property of said district as the law directs.

Dated at, this day of, A. D. 18....

A.... B...., *Moderator*.C.... D...., *Director*.E.... F...., *Assessor*.

Remarks.—If a tax is voted after the close of the school year, in time to be reported to the supervisor for assessment, the form will be varied accordingly.

This report must be made before the second Monday in October, or the supervisor cannot be compelled to make the assessment, though he *may* do it, whenever the report is made.

* If it is for a fractional district that reports in another town, it should read—"in the township of"

No. 12.

Form of Assessor's Bond.

[See Sections 61 and 62.]

Know all men by these presents, that we, A.... B...., the assessor of School District No., in the township of, C.... D.... and E.... F.... [his sureties], are held and firmly bound unto the said district, in the sum of [here insert a sum of double the amount expected to come into the assessor's hands], to be paid to the said district; for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents.

The condition of this obligation is such, that if A.... B...., assessor of said district, shall faithfully apply all moneys that shall come into his hands, by virtue of his office, then this obligation shall be void; otherwise of full force and virtue.

Sealed with our seals, and dated this day of...., A. D. 18...

A.... B...., [L. s.]

C.... D...., [L. s.]

E.... F...., [L. s.]

Signed, sealed, and delivered in presence of

Remark.—This bond should be endorsed as follows :

“ We approve the within bond.”

(Signed,)

G.... H...., *Moderator.*

I.... K...., *Director.*

No. 13.

Form of Bond to be given by the Chairman of the Board of School Inspectors.

[See Sections 68, 69, and 70.]

Know all men by these presents, that we, A.... B...., the chairman of the Board of School Inspectors of the township of, and C.... D.... and E.... F.... [his sureties], are held and firmly bound

unto the said township, in the sum of [here insert the sum of double the amount to come into said chairman's hands, as nearly as the same can be ascertained], for the payment of which sum well and truly to be made to the said township, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents.

The condition of this obligation is such, that if A.... B...., chairman of the board of school inspectors, shall faithfully appropriate all moneys that may come into his hands by virtue of his office, then this obligation shall be void; otherwise, of full force and virtue.

Sealed with our seals, and dated this day of, A. D. 18...

A.... B...., [L. s.]

C.... D...., [L. s.]

E.... F...., [L. s.]

Signed, sealed, and delivered in presence of

"I approve the within bond."

(Signed,)

G.... H...., *Township Clerk.*

Remark.—This bond should be given before any moneys come into his hands, and should be endorsed as above, by the township clerk.

No. 14.

Form of Appointment of District Officers by District Board.

[See Section 66.]

The undersigned, members of the district board of School District No., in the township of, do hereby appoint A.... B...., *Director* of said district, to fill the vacancy created by the removal [resignation or death, as the case may be], of C.... D...., the late incumbent.

Dated this day of, A. D. 18...

E.... F...., *Moderator.*

G.... H...., *Assessor.*

Remark 1.—The words in *italics* in the above form should be varied to suit the case.

Remark 2.—The director should record any appointment that may be made, and persons appointed to office should file with the director a certificate of acceptance, according to the provisions of section 5. [See Form No. 4.]

No. 15.

Form of Appointment of District Officers by School Inspectors.

[See Section 146.]

The undersigned, school inspectors for the township of _____, do hereby appoint O.... P...., *Assessor* [insert names of other appointees] of School District No., in said township; the district having failed to elect.

Dated this ____ day of _____, A. D. 18..

A.... B....,
C.... D....,
E.... F....,
School Inspectors.

No. 16.

Form of Certificate to be given by School Inspectors to Qualified Teachers.

[See Sections 89, 85, 86, 87, 88, 89, and 90.]

It is hereby certified that A..... B..... has passed a satisfactory examination before us in the following branches, viz :

Orthography, Reading, Writing, Grammar, Geography, Arithmetic,

....., and is able to give instruction in the same. *He* has moreover been found of good moral character, and of competent ability to teach a school, and we have therefore licensed *him* to teach in the schools of this township of _____, in the county of _____, for the term of [here insert the time], from the date hereof.

Given under our hands, this ____ day of _____, A. D. 18...

C.... D....,
E.... F....,
G.... H....,

School Inspectors of the Township of _____, County of _____, Mich.

Remark.—It is essential in the examination of a teacher that he should possess, first, a good moral character; second, a thorough knowledge of the branches named in the law; and, third, the ability to govern a school, and the faculty of imparting knowledge. Without these qualifications, an applicant is not entitled to a certificate. A certificate, given by a township board of inspectors, is not valid out of the township in which

No. 17.

Form of Notice of Meeting of Inspectors for Examination of School Teachers.

[See Section 86.]

Notice is hereby given that for the purpose of making an examination of all persons who may offer themselves as candidates for teachers of the primary schools of this township, the board of school inspectors thereof will meet [here insert the time and place of meeting].

Dated this day of, 18...

A.... B....,
Township Clerk.


Remark—Whenever the inspectors deem it necessary to re-examine any teacher, they shall serve the following notice upon him, according to the provisions of section 90 :

No. 18.

Form of Notice of Re-examination.

To A..... B.....:

SIR—You are hereby notified that the undersigned, school inspectors for the township of, will hold a meeting at, on the..... day of, at o'clock, M. You will please appear before them at the time and place aforesaid, for re-examination. It is our purpose to annul your certificate if you are found deficient in the qualifications requisite for a primary school teacher.

 This notice should be dated and signed in the same manner as the above Certificate.

Remark.—In case it be found necessary to annul the teacher's certificate, it shall be sufficient for that purpose for the clerk of the board of school inspectors to make the usual record of their proceedings : *Provided*, The teacher appears before them and gives up his certificate, which it is his duty to do. Otherwise, in addition to said record, the inspectors shall cause the following notice to be posted up in three public places in the township, or to be inserted in a newspaper of the township, if there be one.

“The undersigned, school inspectors for the township of....., having this day re-examined A.... B...., a primary school teacher in said township, and regarding him incompetent to discharge the duties of

his office, we hereby give notice that his certificate is annulled according to the provisions of law."

~~§~~ This notice should be dated and signed in the same manner as the preceding one.

No. 19.

Form of Certificate to be given to the Director of a School District, by the Board of School Inspectors when they establish the Site.

[See Sections 19 and 20.]

The inhabitants of District No., in the township of, having failed, at a legal meeting, to establish a site for a school-house, the board of school inspectors hereby certify, that they have determined that the said site shall be as follows: [Describe as in the deed.]

Given under our hands this day of, A. D. 18..

A.... B.....,
C.... D.....,
E.... F.....,
School Inspectors.

No. 20.

Form of a Deed.

[See Section 59.]

Know all men by these presents, that A.... B...., and C.... D...., his wife, of the township of, in the county of, and State of Michigan, party of the first part, for and in consideration of the sum of dollars, to them paid by the district board of School District No., of the township, county, and State aforesaid, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell and convey to School District No., the party of the second part, and their assigns forever, the following described parcel of land, namely: [Here insert description]; together with all the privileges and appurtenances thereunto belonging, to have and to hold the same to the said party of the second part, and their assigns, forever. And the said party of the first part, for themselves, their heirs, executors, and administrators do covenant, grant, bargain and agree, to and with the said party

of the second part, and their assigns, that at the time of the ensembling and delivery of these presents, they were well seized of the premises above conveyed, as of a good, sure, perfect, absolute and indefeasible estate of inheritance in the law, in fee simple, and that the said lands and premises are free from all encumbrances whatever; and that the above bargained premises, in the quiet and peaceable possession of the said party of the second part, and their assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, they will forever warrant and defend.

In witness whereof, the said A.... B...., and C.... D...., his wife, party of the first part, have hereunto set their hands and seals, this day of, A. D. 18...

A.... B...., [SEAL.]

C.... D...., [SEAL.]

Signed, sealed, and delivered in presence of

H.... I....,

J.... K....

Remark 1.—It will readily be seen how the preceding form should be varied, in case the person giving a deed is unmarried.

Remark 2.—In order to protect the district in its title to a site, the deed thereof must be recorded in the county register's office.

Remark 3.—This form of a deed is given as brief and sometimes convenient. But the usual printed blank for a deed may be used.

No. 21.

Form of a Lease.

[See Section 59.]

Know all men by these presents, that A.... B...., of the township of, in the county of, and State of Michigan, of the first part, for the consideration herein mentioned, does hereby lease unto School District No., in the township, county, and State aforesaid, party of the second part, and their assigns, the following parcel of land, to wit: [Here insert description], with all the privileges and appurtenances thereunto belonging; to have and to hold the same for and during the term of years from the day of, A. D. 18... And the said party of the second part, for themselves and

their assigns, do covenant and agree to pay the said party of the first part, for the said premises, the annual rent of dollars.

In testimony whereof, the said parties have hereunto set their hands and seals, this day of, A. D. 18...

A.... B...., [SEAL.]

Lessor.

C.... D...., }
E.... F...., } [SEAL.]
G.... H...., }


District Board of School District No., of the aforesaid Township.

Signed and sealed in the presence of

I.... J....,
K.... L....

Remarks.—If the district proposes to build of brick on a leased lot (a very improbable thing), it must have a lease for ninety-nine years; and if it proposes to build a frame house, the lease must be for fifty or more years, or a clause inserted in the lease authorizing the district to remove the house. (Sec. 59.)

A lease, like a deed, must be recorded in the register's office, in order to protect the district in its title to a site.

 The lessor will probably want a copy of the lease. If so, a duplicate should be made and signed as above, and placed on file with the director, to be delivered with other papers of his office to his successor.

No. 22.

Form of Warrant on the Township Treasurer for Library Moneys.

[See Sections 107, 109, and 116.]

To the Treasurer of the Township of, County of, Michigan :

Pay to the order of, the sum of dollars, from any library moneys now in your hands, or to come into your hands, the same being for library books purchased for the library of said township.

Dated at, this day of, 18...

A.... B....,

C.... D....,

E.... F....,

Township Board of School Inspectors.

Remark.—In case of a township having district libraries, the library moneys are payable to the districts, and on the order of the district officers. (See Form 10.)

No. 23.

Form of Receipt to be given by the Assessor to the Township Treasurer for School Moneys.

Received of A.... B...., Treasurer of the township of, [here insert the amount of each fund separately], amounting to [here state the aggregate amount], for the use of School District No., in said township.

Dated at, this day of, 18...

C.... D....,

Assessor of said District.

Remark.—If the warrant upon which the money is drawn is paid in full, the treasurer will preserve the warrant as his voucher, making the above receipt unnecessary. If it is paid but in part, the amount should be fully indorsed on the warrant which will remain in the hands of the assessor; and the treasurer should take the receipt for his own protection.

No. 24.

Form of Notice by the Township Clerk to Directors, of Moneys belonging to the Districts.

[See Sections 97-98.]

A.... B...., Director of School District No., Township of

SIR—The amount of school moneys apportioned to School District No., township of, is as follows:

Two-mill Tax..... \$.....

District Taxes [name the amount of the several funds].....

Total..... \$.....

Dated this day of, 18...

C.... D....,

Clerk of Township.

No. 25.

Form of Contract for Building a School-House.

[See Sections 21 and 59.]

Contract made and entered into between A.... B...., of the township of, in the county of, and State of Mich.

igan, and C..... D....., as director of School District No., of the township of, in the county of, and State of Michigan, and his successors in office.

In consideration of the sum of one dollar in hand paid, the receipt whereof is hereby acknowledged, and of the further sum of dollars, to be paid as hereinafter specified, the said A..... B..... hereby agrees to build a School-House, and to furnish the material therefor, according to the plan and specifications for the erection of said house, hereto appended; at such point in said district as the district board may designate. The said house is to be built of the best material, in a substantial, workman-like manner; and is to be completed and delivered to the said C..... D....., or his successor in office, free from any lien for work done or material furnished by the day of, 18..... And in case the said house is not finished by the time herein specified, the said A..... B..... shall forfeit and pay to the said C..... D....., or his successor in office, for the use of said district, the sum of dollars, and shall also be liable for all damages that may result to said district in consequence of said failure.

The said C..... D....., or his successor in office, in behalf of said district, hereby agrees to pay the said A..... B..... the sum of dollars, when the foundation of said house is finished; and the further sum of dollars, when the walls are up and ready for the roof; and the remaining sum of dollars, when the said house is finished and delivered as herein stipulated.

It is further agreed that this contract shall not be sub-let, transferred or assigned without the consent of both parties.

Witness our hands this day of, 18.....

A..... B.....,
Contractor.

C..... D.....,
Director.

This is to certify that the foregoing contract was approved by the School Board of District No., of the township of, of the county of, and State of Michigan, this day of, 18.....

E..... F.....,
Moderator.

G..... H.....,
Assessor



No. 26.

Form for Revocation of Teacher's Certificate.

[See Section 7, County Superintendent Act.]

OFFICE OF COUNTY SUPERINTENDENT OF SCHOOLS, }
County of _____, Michigan. }*To the several School Boards in the County of _____, Michigan :*

WHEREAS, The undersigned did, on the _____ day of _____, 18.., execute and deliver to A.... B.... a certificate, authorizing him to teach in the public schools of this county; and,

WHEREAS, Upon due examination it has been made to appear that the said A.... B...., in consequence of [here state the cause—whether gross negligence of duty, incompetency, or immorality], is unworthy longer to retain the same;

Now, therefore, In pursuance of the provisions of section 7 of the act "To provide for County Superintendents of Schools" of the State of Michigan, the said certificate is hereby revoked.

In testimony whereof I have hereunto subscribed my name this _____ day of _____, A. D. 18....

C.... D....,
County Superintendent.

Note.—A copy of the above revocation should be transmitted to the director of each school district in the county, and the directors should immediately notify the other members of the district board. The teacher should also be served with a copy.

No. 27.

Form of Application for a Teachers' Institute.

[See Section 1, Chap. 142, Compiled Laws.]

OFFICE OF COUNTY SUPERINTENDENT OF SCHOOLS, }
County _____, 18.... }*To the Superintendent of Public Instruction :*

From satisfactory evidence on file in this office, I hereby certify that not less than _____ teachers desire to assemble at _____, in the county aforesaid, on the ____ day of _____, 18.., for the purpose of holding a teachers' institute, to remain in session for a period of not less than five working days.

name the day
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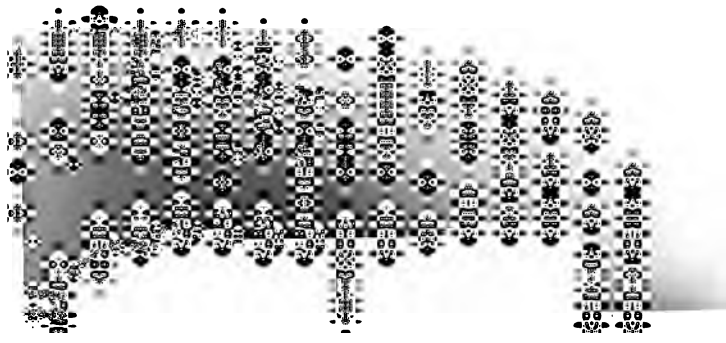
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The sum of days present during the term given in the twelfth column of the		The words "for weeks commencing" (in the above form) refer to "January 6" in the left hand column under the head of "Attendance	
in days, etc. The star, thus *, denotes the studies pursued by each pupil. To ascertain the average number of months scholars attended		school, add together the numbers of days of attendance of all the pupils (as found in 20th column) and divide this sum by the number of	
pupils who have attended school. This quotient divided by the number of days constituting the month, to reduce to months, will give		the average number required.	
The teacher should make out this <i>average</i> and indicate it upon the register for the convenience of the Director			
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5	6	7	8
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Dollars.		Cents.		
				Reading.....
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				U. S. History.....
				Algebra.....
				Book-keeping.....
				Geometry.....
				Natural Philosophy.....
				Chemistry.....
				Physiology.....
				Drawing.....
				Science of Government.....
Total				

No. 80—Continued.
FINANCIAL REPORT for the Year ending September 2, 1872.

RECEIPTS.		EXPENDITURES.	
Dollars.	Cents.	Dollars.	Cents.
Money on hand at commencement of year.....		Paid Male Teachers.....	
Received from 2-mill tax during school year 18.....		Paid Female Teachers.....	
Received from Primary School Fund		Paid for building or repairing school-houses..	
Tuition of non-resident pupils		Paid for all other purposes.....	
Rec'd from district tax to pay teachers' wages, etc.		Amount on hand at close of year.....	
Received from other District Taxes.....			
Received from all other sources.....			
Total receipts, including moneys on hand at close of year.....		Total expenditures, including amount on hand.....	
Indebtedness of District, for which bonds are held			
Total indebtedness of District for all purposes, September, 18.....			

Director for the ensuing year.....; Postoffice.....

I hereby certify that the above is a correct report from the aforesaid District No., Township Township of.....
for the School Year next preceding the first Monday of September, 18.....

Dated September....., 18.....
(Signed)Director.

No. 30—Continued.

Form of Affidavit to be attached to the Census List.

SCHOOL CENSUS of District No., of the Township of, County of, State of Michigan, for the School Year ending September, 18...., as taken by, during the last ten days preceding the close of said School year.

STATE OF MICHIGAN, } ss.
County of, }

.....above named, being duly sworn, says that the following is a correct list of the names of all the children belonging to District No. aforesaid, between the ages of five and twenty years, as he verily believes, as taken by him as aforesaid.

Subscribed and sworn this day of September, 18....

(Signed)

Before

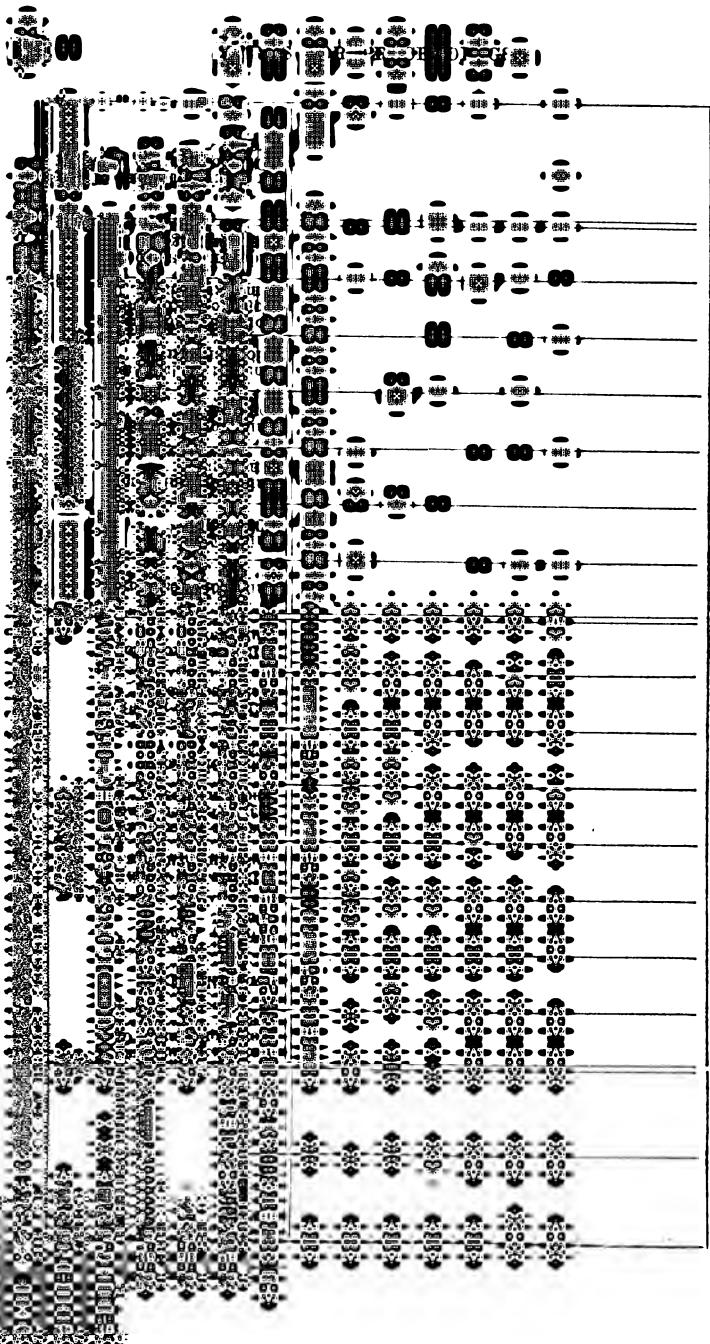
.....
REMARK.—Unless this affidavit is made, the District has no legal claim upon its share of Primary School money. It can be made before the Township clerk.

No. 81.

Form of School Inspector's Report.

ANNUAL REPORT of the School Inspectors of the Township of -----, County of -----, to the County Superintendent for the year 18.....

No. of Each District in the Township.	Whole Districts.	
	Fractional Districts.	
Names of Directors for the ensuing year.		
Postoffice of director.		
1	No. of children in each District between the ages of 5 and (under) 20 years.	
2	No. of Children between the ages of 8 and (under) 14 years.	
3	Whole No. of Children that attended School during the year.	
4	No. attending School under 5 or over 20 years of age.	
5	Average No. months scholars between 5 and 20 years attended school.	
6	No. of months School during the year by a qualified teacher.	
7	No. of volumes added to library during the year.	
8	No. of volumes in District Library.	
9	Paid for Books.	
10	No. of Stone.	
	No. of Brick.	
	No. of Frame.	
	No. of Log.	
	No. of pupils who can be seated.	
11	Value of School-Houses and Lots.	
12	Is it a Graded School?	
13	No. visits by County Superintendent.	
14	No. visits by Directors.	
16	Males.	
	Females.	
17	Males.	
	Females.	
18	Males.	
	Females.	



No. 31—Continued.

INSPECTORS are respectfully requested, in addition to the Statistics furnished by the Directors' Reports, to fill the following blanks :

	\$	Cts.
1. No. of volumes added to town library during the year		
2. Whole number of volumes in town library		
3. Number of new districts organized		
4. Whole number of meetings held by the inspectors		
5. Number of private or select schools in township		
6. No. attending select schools, as near as may be known		
7. Amount voted at the spring election for libraries		
8. Amount of fines, penalties, etc., received from county treasurer, for libraries		
9. Amount paid for books for township libraries		
10. Amount paid or due the board of inspectors for services for the year ending Sept., 18		

Number of Districts in which the several studies are pursued.

No. of districts in which Reading is taught.	No. of districts in which Spelling is taught.	No. of districts in which Writing is taught.	No. of districts in which Arithmetic is taught.	No. of districts in which Geography is taught.	No. of districts in which Grammar is taught.	No. of districts in which U. S. History is taught.	No. of districts in which Algebra is taught.	No. of districts in which Book-keeping is taught.	No. of districts in which Trigonometry is taught.	No. of districts in which Nat. Philosophy is taught.	No. of districts in which Chemistry is taught.	No. of districts in which Physiology is taught.	No. of districts in which Drawing is taught.	No. of districts in which Science of Gov't is taught.
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We do hereby certify that the foregoing is a correct abstract of the reports of the Directors of School Districts in this township for the School Year next preceding the first Monday of September, 18...., which reports are on file in the office of the Township Clerk.

School Inspector, P. O.

School Inspector, P. O.

Town Clerk, P. O.

Dated at Township of, County of, October, 18....

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the Governor, by and with the advice and consent of the Senate and House of Representatives in Joint Convention. The members of said board heretofore appointed shall hold their offices for the term for which they were designated. At the session of the Legislature for the year eighteen hundred and fifty, and annually thereafter, the vacancies occurring shall be filled as above directed, by appointment, the term of which shall be three years. The Governor shall, by appointment, fill any vacancy that may occur when the Legislature is not in session; such appointment to expire at the close of the next session of the Legislature. The Lieutenant Governor, the State Treasurer,] and the Superintendent of Public Instruction shall, by virtue of their office, be members of said board, and the latter shall be their Secretary, and shall keep an exact and detailed account of their doings. He shall also communicate such reports to the Legislature as are required by this act. The State Treasurer shall, by virtue of his office, be treasurer of said board, and the members thereof shall annually elect one of their number president. And no member of said Board of Education shall, during his continuance in office as a member of said board, act as the agent of any publisher or publishers of school books, or school library books, or be, or become interested in the publication or sale of any such books, as agent or otherwise. And the Governor of this State is hereby authorized and required, upon satisfactory evidence being produced to him that any member of said board is employed as such agent, or is interested in the manner aforesaid, to remove such member of said board from office, and to appoint another member in his place to fill such vacancy.*

(3512.) SEC. 5. Said Board of Education shall have power to appoint a principal and assistant to take charge of said school, and such other teachers and officers as may be required in said school, and fix the salary of each, and prescribe their several duties. They shall also have power to remove either the principal, assistant, or teachers, and to appoint others in their stead. They shall prescribe the various books to be used in said school, and shall make all the regulations and

* The parts of section 4, included in brackets, were virtually repealed by Section 9, Article 18 of the State Constitution, adopted 1850. See page 6.

by-laws necessary for the good government and management of the same.

(3513.) SEC. 6. Said board shall also establish an experimental school in connection with the Normal School, and shall make all the regulations necessary to govern and support the same, and may, in their discretion, admit pupils free of charge for tuition.

(3514.) SEC. 7. Said board shall have power, and it shall be their duty, from time to time, as the means at their disposal may warrant, to provide suitable grounds and buildings, implements of husbandry and mechanical tools, either by purchase or lease, for the purpose of more effectually and experimentally carrying out the provisions of the second section of this act, "To give Instruction in the Mechanic Arts, and in the Arts of Husbandry and Agricultural Chemistry."

(3515.) SEC. 8. As soon as said Normal School is prepared to receive pupils, the Superintendent of Public Instruction shall give notice of the fact to each county clerk in the State, and shall publish said notice in a newspaper published in each Senatorial district.

(3516.) SEC. 9. The Board of Education shall ordain such rules and regulations for the admission of pupils to said school as they shall deem necessary and proper. Every applicant for admission shall undergo an examination in such manner as may be prescribed by the board; and if it shall appear that the applicant is not a person of good moral character, or will not make an apt and good teacher, such applicant shall be rejected. The Board of Education may, in their discretion, require any applicant for admission to said school—other than such as shall, prior to such admission, sign and file with said board a declaration of intention to follow the business of teaching primary schools in this State—to pay, or secure to be paid, such fees for tuition as to said board shall seem reasonable.

(3517.) SEC. 10. Any person may be admitted a pupil of said school who shall pass a satisfactory examination: *Provided*, That the applicant shall, before admission, sign a declaration of intention to follow the business of teaching primary schools in this State: *And provided further*, That pupils may be admitted without signing such declaration of

intention, on such terms as the Normal School Board may prescribe; and that each county shall be entitled to send pupils in the ratio of the Representatives in the State Legislature to which it may be entitled, not to exceed such number as the board may prescribe.

(3518.) SEC. 11. After said school shall have commenced its first term, and at least once in each year thereafter, it shall be visited by three suitable persons, not members, to be appointed by the Board of Education, who shall examine thoroughly into the affairs of the school, and report to the Superintendent of Public Instruction their views with regard to its condition, success and usefulness, and any other matters they may judge expedient. Such visitors shall be appointed annually.

(3519.) SEC. 12. It shall be the duty of the Superintendent of Public Instruction, once at least in each term, to visit said school; and he shall annually make to the Legislature a full and detailed report of the doings of the Board of Education, and of all their expenditures, and the moneys received for tuition, and the prospects, progress, and usefulness of said school, including so much of the report of said visitors as he may deem advisable.

(3520.) SEC. 13. Lectures on chemistry, comparative anatomy, astronomy, and mechanic arts, agricultural chemistry, and on any other science, or any branch of literature that the Board of Education may direct, may be delivered to those attending said school, in such manner, and on such terms and conditions as the Board of Education may prescribe.

(3521.) SEC. 14. As soon as any person has attended said institution twenty-two weeks, said person may be examined in the studies required by the board, in such manner as may be prescribed; and if it shall appear that said person possesses the learning and other qualifications necessary to teach a good common school, said person shall receive a certificate to that effect from the principal, to be approved by the Superintendent of Public Instruction.

(3522.) SEC. 15. The Board of Education shall have the power and authority to demand and receive the sum or sums donated and subscribed by the citizens of Ypsilanti and its vicinity, in such manner as said board may prescribe, and

apply the same to the erection and completion of the necessary buildings, the purchase of the necessary books, apparatus, furniture, and fixtures, and for various other incidental expenses to be incurred by said board, in pursuance of the provisions of this act; and if any surplus shall remain, to apply the same in defraying the expenses of conducting said school. And any deficit which may arise in the erection and completion of said buildings and purchases aforesaid, shall be paid out of the principal to be received on the sale of lands hereinafter mentioned, not to exceed the sum of ten thousand dollars. Such sum shall be paid from time to time on the warrant of the Auditor General, to be drawn in pursuance of the certificate of the superintendent of building, or secretary of the board, and countersigned by the president of the Board of Education; and no such certificate shall be issued until work shall be done, or services rendered, or buildings erected, or books, apparatus, fixtures, or furniture, purchased for the Normal School, under the direction of the Board of Education, entitling the applicant to such certificate, according to a contract or agreement with said board for that purpose, or for services and expenses of the board or some member thereof, in connection with the selection of the site, or the erection of the Normal School buildings, or the improvement of the grounds.

(3523.) SEC. 16. The ten sections of salt spring lands, located by the Board of Education under the provisions of sections fifteen and sixteen of "An act to establish a State Normal School," approved March twenty-eight, eighteen hundred and forty-nine, together with the fifteen sections of salt spring lands located under the provisions of section sixteen of said act, and all such lands as may be granted by Congress, or received or set apart (in any manner) in lieu of any portion of said land to which the title may prove insufficient, and all donations, in land or otherwise, to the State in trust, or to the Board of Education, for the support of a Normal School, shall constitute a fund, to be called the Normal School Endowment Fund, and shall be reserved from sale until the same shall be appraised. The minimum price of said lands shall be four dollars per acre; and it shall be the duty of the officer authorized to sell said lands, to cause the same to be appraised as soon as practicable,

in the manner provided for the appraisal of other lands. None of said lands shall be sold for less than the minimum price fixed by law. It shall not be necessary to appraise any of said lands which have heretofore been appraised under existing provisions of law; and the proceeds of sales of any of said lands heretofore appraised and sold, shall constitute a part of the fund herein provided. After such appraisal, such land shall be and remain subject to sale at the State Land Office, as is now, or shall be hereafter provided by law; and the principal shall be and remain a perpetual fund for the use of said institution (except as herein provided). The installments of principal paid by the purchasers shall be paid into the State Treasury; and the interest thereon from the time of its receipt, or from the time of the preceding computation of interest, as the same [case] may be, shall be computed by the Auditor General and State Treasurer, at the close of each fiscal year, at the rate of six per cent per annum, and together with all interest paid by purchasers of any portion of said lands, shall be passed to the credit of the Normal School Interest Fund, to be drawn therefrom upon the warrant of the Auditor General, issued in pursuance of a certificate of the Board of Education, signed by their secretary and countersigned by their president, that the money is due and payable to the principal of the Normal School, or his assistants, or teachers, or officers employed, or to the members of the board, or the Board of Visitors, as herein authorized, or for necessary incidental expenses in the support or maintenance of said school, or some of its departments.

(3524.) SEC. 17. Said funds shall be under the direction and control of the Board of Education, subject to the provisions herein contained. The treasurer of said board shall pay out of the proper fund all orders or drafts for moneys to be expended under the provisions of this act. Such orders or drafts to be drawn by the Auditor General, on the certificate of the secretary, countersigned by the president of the board. No such certificates shall be given, except upon accounts audited and allowed by the board at a regular meeting.

(3525.) SEC. 18. The services, and all necessary traveling and other expenses, already or hereafter to be incurred by any member of the Board of Education, or the Board of Visitors, shall be paid on the proper certificate out of any funds belong-

ing to said institution in the hands of the treasurer, until the erection and completion of the necessary buildings. The principal, assistants, teachers, and other officers employed in said school, shall be paid out of the Normal School Interest Fund, and from receipts for tuition; and the services and expenses of the Board of Education, after the erection of the necessary buildings, and other expenses incident to said institution, shall be paid for out of the Normal School Interest Fund, in the same manner, as near as may be, as is required in regard to moneys drawn for the payment of the principal or other teachers. The members of the Board of Education and the Visitors, shall be entitled to two dollars per day for their actual services, and to their necessary traveling and other expenses.

(3526.) SEC. 19. For the purpose of rendering more efficient their organization, and to enable them the more fully to carry into effect the provisions herein contained, the members of the Board of Education, now holding their offices under the provisions of "An act to establish a State Normal School," approved March twenty-eighth, eighteen hundred and forty-nine, and their successors in office, are hereby constituted a body politic and corporate, by the name of "The Board of Education," for the purposes herein contemplated, and subject to such modifications as may be made thereto, and in that name shall have perpetual succession, and shall be, and they are hereby empowered to purchase, have, hold, possess, and enjoy to themselves and their successors, lands, tenements, hereditaments, goods, chattels, and effects of every kind, and the same to grant, alien, sell, invest, and dispose of, to sue and be sued, plead and be impleaded, in all courts in this State, to have and to use a common seal, and the same to change, alter, and renew at pleasure, and to make such by-laws and regulations as they may deem proper for the well ordering and government of said corporation and the transaction of its business: *Provided*, The same be not repugnant to the Constitution or laws of this State or of the United States.

(3527.) SEC. 20. Said corporation shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same can apply, and are not inconsistent with the provisions of this act. They

shall have power to transact all necessary business at any meeting, a quorum being present; and meetings may be called in such manner as their by-laws may provide, and a quorum shall consist of a majority of the members. The first meeting under this act may be held at such time and place as may be directed by the secretary, and no publication of notice thereof shall be necessary; and the attendance of a quorum shall render valid the proceedings of such meeting. All process against said corporation shall be served on the president or secretary thereof.

(3528.) SEC. 21. Sections four, fifteen, and sixteen of "An act to establish a State Normal School," approved March twenty-eighth, eighteen hundred and forty-nine, and all of the provisions of said act, and the act supplementary thereto, which are inconsistent with the provisions of this act, are hereby repealed.

(3529.) SEC. 22. This act shall take effect and be in force from and after its passage, and the Legislature may at any time alter, amend, or repeal the same by a vote of two-thirds of the members present in each House.

NORMAL SCHOOL DIPLOMAS.

[Act Passed in 1857—As Amended in 1871.]

(3530.) SECTION 1. The State Board of Education is authorized to grant to such students as shall have completed the full course of instruction in the State Normal School, and shall have been recommended by the Board of Instruction, a diploma, which, when signed by the members of the Board of Education, and by the Board of Instruction, shall be evidence that the person to whom such diploma is granted is a graduate of the State Normal School, and entitled to all the honors and privileges belonging to such graduates.

(3531.) SEC. 2. The Board of Instruction of the Normal School shall give to every graduate receiving such diploma, a certificate which shall serve as a legal certificate of qualification to teach in the primary schools of any township in this State, when a copy thereof shall have been filed or recorded in the office of the county superintendent of common schools. Such certificate shall not be liable to be annulled except by the Board of Instruction, but its effect may be suspended in any

county, and the holder thereof may be stricken from the list of qualified teachers in such county, by the county superintendent of common schools for the county in which said township may be situated, for any cause and in the same manner as he now is by law authorized to revoke certificates given by himself; and in case there be no such county superintendent for the county in which such township is situated, then the said certificate so given by the Board of Instruction may be suspended in any such township, and the holder thereof stricken from the list of qualified teachers in said township, by the school inspectors for said township, for any cause that authorizes them to annul a certificate given by themselves, and such suspension in either case shall continue in force until revoked by the authority suspending it.

THE UNIVERSITY OF MICHIGAN.

AN ACT to provide for the Government of the State University.

[Compiled Laws, page 1168.]

(3481.) SECTION 1. *The People of the State of Michigan enact*, That the institution established in this State, and known as the University of Michigan, is continued under the name and style heretofore used.

(3482.) SEC. 2. The University shall provide the inhabitants of this State with the means of acquiring a thorough knowledge of the various branches of literature, science, and arts.

(3483.) SEC. 3. The government of the University is vested in the Board of Regents.

(3484.) SEC. 4. The Board of Regents shall constitute the body corporate, with the right, as such, of suing and being sued, of making and using a common seal, and altering the same.

(3485.) SEC. 5. The Regents shall have power to enact ordinances, by-laws, and regulations for the government of the University; to elect a president, to fix, increase, and reduce the regular number of professors and tutors, and to appoint the same, and to determine the amount of their salaries: *Provided*, That there shall always be at least one professor of homoeopathy in the department of medicine.

(3486.) SEC. 6. They shall have power to remove the president, and any professor or tutor, when the interest of the University shall require it.

(3487.) SEC. 7. They shall have power to appoint a secretary, librarian, treasurer, steward, and such other officers as the interests of the institution may require, who shall hold their offices at the pleasure of the board, and receive such compensation as the board may prescribe.

(3488.) SEC. 8. The University shall consist of at least three departments:

1. A department of literature, science, and the arts;
2. A department of law;
3. A department of medicine;

4. Such other departments may be added as the Regents shall deem necessary, and the state of the University fund shall allow.

(3489.) SEC. 9. The Regents shall provide for the arrangement and selection of a course or courses of study in the University, for such students as may not desire to pursue the usual collegiate course, in the department of literature, science, and the arts, embracing the ancient languages, and to provide for the admission of such students without previous examination as to their attainments in said languages, and for granting such certificates at the expiration of such course or term of such students, as may be appropriate to their respective attainments.

(3490.) SEC. 10. The Regents shall make provision for keeping a set of meteorological tables at the University, after the forms adopted and furnished by the Smithsonian Institution, the record of which shall be transmitted with their report to the Superintendent of Public Instruction, who shall embody the same in his report.

(3491.) SEC. 11. The immediate government of the several departments shall be entrusted to the president and the respective faculties; but the Regents shall have power to regulate the course of instruction, and prescribe, under the advice of the professorship, the books and authorities to be used in the several departments; and also to confer such degrees and grant such diplomas as are usually conferred and granted by other similar institutions.

(3492.) SEC. 12. The fee of admission to the regular University course in the department of literature, science, and the arts, shall not exceed ten dollars, but such course or courses of instruction as may be arranged under the provisions of section nine of this act, shall be open without fee to the citizens of this State.

(3493.) SEC. 13. The University shall be open to all persons resident of this State, without charge of tuition, under the regulations prescribed by the Regents; and to all other per-

sons under such regulations and restrictions as the board may prescribe.

(3494.) SEC. 14. The moneys received from such source shall be paid to the treasurer, and so much thereof as shall be necessary for the purpose, shall be expended by the Regents in keeping the University buildings in good condition and repair, and the balance shall be appropriated for the increase of the library.

(3495.) SEC. 15. The Board of Regents shall make an exhibit of the affairs of the University, in each year, to the Superintendent of Public Instruction, setting forth the condition of the University and its branches; the amount of receipts and expenditures; the number of professors, tutors, and other officers, and the compensation of each; the number of students in the several departments, and in the different classes; the books of instruction used; an estimate of the expenses for the ensuing year; together with such other information and suggestions as they may deem important, or the Superintendent of Public Instruction may require, to embody in his report.

(3496.) SEC. 16. From the increase arising from the interest of the University fund, the Board of Regents may erect, from time to time, such buildings as are necessary for the uses of the University, on the grounds set apart for the same; but no such buildings shall be erected until provision shall be made for the payment of the existing indebtedness of the University, nor until one branch of the University shall be established in each judicial circuit of the State.

(3497.) SEC. 17. The Board of Regents shall have power to expend so much of the interest arising from the University fund, as may be necessary for the improving and ornamenting the University grounds, for the purchase of philosophical, chemical, meteorological, and other apparatus, and to keep the same in good condition.

(3498.) SEC. 18. As soon as the income of the University interest fund will admit, it shall be the duty of the Board of Regents to organize and establish branches of the University, one at least in each judicial circuit or district of the State, and to establish all needful rules and regulations for the government of the same. They shall not give to any such branch the right of conferring degrees, nor appropriate a sum exceed-

ing fifteen hundred dollars, in any one year, for the support of any such branch.

(3499.) SEC. 19. The Regents may establish and organize a branch or branches, by the creation of a trusteeship for the local management of the same, or they may in their discretion select for a branch, under the restrictions aforesaid, any chartered literary institution in the State.

(3500.) SEC. 20. The meetings of the board may be called in such manner as the Regents shall prescribe; five of them shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time.

(3501.) SEC. 21. A Board of Visitors, to consist of three persons, shall be appointed biennially at the commencement of the collegiate year, by the Superintendent of Public Instruction. It shall be their duty to make a personal examination into the state and condition of the University in all its departments and branches, once at least in each year, and report the result to the Superintendent, suggesting such improvements as they may deem important; which report shall be embodied into the report of the Superintendent.

(3502.) SEC. 22. The Regents and Visitors of the University shall each receive pay for the actual and necessary expenses incurred by them in the performance of their duties, which shall be paid out of the University interest fund.

(3503.) SEC. 23. All orders on the treasurer shall be signed by the secretary, and countersigned by the president.

(3504.) SEC. 24. Chapter fifty-seven of the Revised Statutes is hereby repealed.

ACT passed May 11, 1846.

(3505.) SEC. 1. The various specimens of geology, mineralogy, zoology, botany, and all other specimens pertaining to natural history belonging to the State, and now deposited in the University buildings, be and the same are hereby transferred to the Board of Regents of the University of Michigan, to be held by said Board of Regents in trust for the use and benefit of the said University and its branches; and the said Board of Regents are hereby authorized to take, have, and enjoy the right, property, possession, and control thereof, and make such disposition of the said specimens as may be most

beneficial for the interests of the University and its branches aforesaid.

ACT to provide for the appointment of two professors of homeopathy in the department of medicine of the University of Michigan, passed in eighteen hundred and seventy-three.

SECTION 1. *The People of the State of Michigan enact*, That the Board of Regents of the University of Michigan shall, on or before the fifteenth day of July in the year one thousand eight hundred and seventy-three, appoint, install, and thereafter maintain two professors of homeopathy in the department of medicine of the University, to wit: One professor of theory and practice, and one professor of materia medica, who shall receive the like salary and be entitled to all the rights and privileges of other professors in said department of medicine.

SEC. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

THE STATE AGRICULTURAL COLLEGE.

AN ACT to reorganize the Agricultural College of the State of Michigan, and to establish a State Board of Agriculture.

[Approved March 15, 1861. *Laws of 1861, p. 307.*]

(3532.) SECTION 1. *The people of the State of Michigan enact*, That a board is hereby constituted and established, which shall be known under the name and style of "The State Board of Agriculture." It shall consist of six members, besides the Governor of the State and the president of the State Agricultural College, who shall be *ex officio* members of the board. At their annual meetings in the fall of the year eighteen hundred and sixty-two, and every second year thereafter, each county agricultural society in the State may nominate a person for member of the board, and from the persons so nominated, the Governor, by and with the consent of the Senate, on or before the third Wednesday of January of each biennial session, shall appoint two members of the board to fill the vacancies that shall next occur, which vacancies shall be so filled that at least one-half of the appointed members of the board shall be practical farmers. The certificate of the president and secretary of any county agricultural society, that such society is legally organized, and has held at least two annual fairs, shall be evidence to the Governor of their right to nominate a member for the board. Any other legally organized agricultural society that embraces at least ten townships of land, shall be entitled to the provisions of this act.¹

(3533.) SEC. 2. The State Board of Agriculture shall be a body corporate, capable in law of suing and being sued, of taking, holding, and selling personal and real estate, of con-

¹ As amended by Act 160 of the Laws of 1871, p. 301, approved April 17, 1871.

tracting and being contracted with, of having and using a corporate seal, and of causing to be done all things necessary to carry out the provisions of this act.

(3534.) SEC. 3. Any vacancy in the said board, caused by death, resignation, or removal from the State, may be filled by a majority of the members. A majority shall be a quorum for the transaction of business. The members of the board shall receive no per diem compensation for their services, but shall be paid their traveling and other expenses while employed on the business of the board.

(3535.) SEC. 4. They shall meet quarterly, at the State Agricultural College, viz: on the last Wednesdays of February, May, August, and November of each year, and may meet at such other times and places as they may determine.

(3536.) SEC. 5. At their first meeting the members shall choose one of their number as president of their own board.

(3537.) SEC. 6. At their first meeting, or as soon after as a competent and suitable person can be obtained, they shall choose a secretary of the board. If chosen from their own number, a vacancy shall be thus created in the board. A treasurer shall also be chosen at their first meeting, who may or may not be from the members of their board, as they shall determine. They shall take such bonds from the secretary and treasurer as shall be deemed adequate to secure the faithful performance of their duties by those respective officers. The secretary and treasurer shall be chosen biennially, and shall hold their offices for two years from the last Wednesday of February, or until their successors are chosen.

(3538.) SEC. 7. The board shall direct the disposition of any moneys appropriated to the State Agricultural College.

(3539.) SEC. 8. The secretary of the board shall reside at or near the Agricultural College, and keep his office at the city of Lansing, in the State buildings, or at the Institution, as the board shall direct. It shall be his duty to keep a record of the transactions of the State Board of Agriculture, and of the State Agricultural College and Farms, which shall be open at all times to the inspection of any citizens of this State. He shall also have the custody of all books, papers, documents, and other property which may be deposited in his office, including specimens of the vegetable and animal kingdoms of

the State or counties; also, keep and file all reports which may be made from time to time by county and State agricultural and horticultural societies, and all correspondence of the office from other persons and societies appertaining to the general business of husbandry; address circulars to societies, and the best practical farmers in the State and elsewhere, with the view of eliciting information upon the newest and best mode of culture of those products, vegetables, trees, etc., adapted to the soil and climate of this State; also, on all subjects connected with field culture, horticulture, stock-raising, and the dairy. He shall encourage the formation of agricultural societies throughout the State, and purchase, receive, and distribute such rare and valuable seeds, plants, shrubbery, and trees, as it may be in his power to procure from the general government and other sources, as may be adapted to our climate and soils. He shall also encourage the importation of improved breeds of horses, cattle, sheep, hogs, and other live stock, and the invention and improvement of labor-saving implements of husbandry, and diffuse information in relation to the same. He shall encourage such domestic industry and household arts as are calculated to promote the general thrift, wealth, and resources of the State. To effect those objects he shall correspond with the Patent Office at Washington, and representatives of our national government abroad, and if possible, procure valuable contributions to agriculture from those sources. He shall aid, as far as possible, in obtaining contributions to the museums and the library of the State Agricultural College, and thus aid in the promotion of agriculture, science, and literature.

(3540.) SEC. 9. The seeds, plants, trees, and shrubbery received by the secretary, and not needed by the college, shall be, so far as possible, distributed equally throughout the State, and placed in the hands of those farmers and others who will agree to cultivate them properly, and return to the secretary's office a reasonable proportion of the products thereof, with a full statement of the mode of cultivation, and such other information as may be necessary to ascertain their value for general cultivation in the State. Information in regard to agriculture may be published by him, from time to time, in the newspapers of the State, provided it does not involve any expense to the State.

(3541.) SEC. 10. The secretary shall report to the Legislature, at every regular session thereof, and to the Governor on the first Wednesday in January in each year when the Legislature is not in session, which report shall embrace all such statements, accounts, statistics, prize essays, and other information relative to agriculture in general, proceedings of the State Board of Agriculture, of the State Agricultural College and Farm, of the State Agricultural Society, and of the county and district agricultural societies, to be approved by the board, and shall cause to be printed six thousand copies of said report for the year eighteen hundred and sixty-six, and the same number for each year thereafter. Two thousand copies of said report shall be placed in the hands of the Secretary of State, for disbursement through the Department of State, and four thousand copies shall be placed at the disposal of the State Board of Agriculture; one thousand copies of the same to be distributed by the secretary of the said State Board of Agriculture as the board shall direct, and the remaining three thousand copies of the same shall be distributed by the first of June in each year, by the secretary of the board, to the secretaries of all the various county and district agricultural societies, as equally as may be according to the population of said counties, to be by said secretaries distributed among the various viewing committees of county and district fairs, giving one volume of such report to each of said committees who shall be present and discharge the duties of his office on the days of the county and district fairs. And if, after distributing to the said committees, there shall be any of said report left in the said secretaries' hands, they shall distribute them as equally as may be among the farmers of their respective counties.¹

(3542.) SEC. 11. The secretary shall receive, as a compensation for his services, a salary of one thousand dollars per annum, to be paid quarterly from the State Treasury, in the same manner as is provided by law for the payment of the salaries of State officers.

(3543.) SEC. 12. The sum of twelve hundred dollars per

¹ As amended by Act 28 of the Laws of 1867, p. 87, approved and took effect February 27, 1867.

annum, for the years eighteen hundred and sixty-one and sixty-two, or so much thereof as may be esteemed necessary by the State Board of Agriculture, is also hereby appropriated to meet the expenses which may be incurred in the purchase and transportation of seeds, postage, and the other contingent expenses of the office of the secretary, and also necessary to pay the expenses of the board in attendance upon their duties.

(3544.) SEC. 13. The State Agricultural School, established by act number one hundred and thirty, Session Laws of eighteen hundred and fifty-five, in obedience to section eleven of article thirteen of the Constitution, shall be known by the name and style of "The State Agricultural College." The design of the institution, in fulfillment of the injunction of the Constitution, is to afford thorough instruction in agriculture, and the natural sciences connected therewith. To effect that object most completely, the institution shall combine physical with intellectual education, and shall be a high seminary of learning, in which the graduate of the common school can commence, pursue, and finish a course of study, terminating in thorough theoretic and practical instruction in those sciences and arts which bear directly upon agriculture and kindred industrial pursuits.

(3545.) SEC. 14. No student shall be admitted to the institution who is not fifteen years of age, and who does not pass a satisfactory examination in arithmetic, geography, grammar, reading, spelling, and penmanship.

(3546.) SEC. 15. The course of instruction shall embrace the English language and literature, mathematics, civil engineering, agricultural chemistry, animal and vegetable anatomy and physiology, the veterinary art, entomology, geology, and such other natural sciences as may be prescribed, technology, political, rural, and household economy, horticulture, moral philosophy, history, book-keeping, and especially the application of science and the mechanic arts to practical agriculture in the field.

(3547.) SEC. 16. A full course of study in the institution shall embrace not less than four years. The State Board of Agriculture may institute winter courses of lectures for others than students of the institution, under necessary rules and regulations.

(3548.) SEC. 17. The academical year shall consist of not less than nine calendar months. This academical year may be divided into such terms by the State Board of Agriculture as, in their judgment, will best secure the objects for which the college was founded. The board may, at any time, temporarily suspend the college in case of fire, the prevalence of fatal diseases, or other unforeseen calamity.¹

(3549.) SEC. 18. Three hours of each day shall be devoted by every student of the college to labor upon the farm, and no person shall be exempt except for physical disability. By a vote of the Board of Agriculture, at such seasons and in such exigencies as demand it, the hours of labor may be increased to four hours, or diminished to two and one-half hours.

(3550.) SEC. 19. The State Board of Agriculture shall be vested with discretion to charge tuition or not as they may deem most conducive to the interests of the institution, unless acts of the Legislature, making appropriations for its support, shall otherwise direct. The board may make discriminations in regard to tuition between students, from this State and from other States. One-third of the tuition charged for the academic term shall be paid in advance, and shall be forfeited in case the student abandons the institution.

(3551.) SEC. 20. The State Board of Agriculture shall have the general control and supervision of the State Agricultural College, the farm pertaining thereto, and lands which may be vested in the college by State legislation; of all appropriations made by the State for the support of the same, and also the management of any lands that may hereafter be donated by the general government to this State, in trust for the promotion of agriculture and industrial pursuits. The board shall have plenary power to adopt all such ordinances, by-laws, and regulations, not in conflict with this act, as they may deem necessary to secure the successful operation of the college and promote its designed objects.

(3552.) SEC. 21. It shall be the duty of the State Board of Agriculture to choose a president of the State Agricultural College before the commencement of the next term of the

¹ Vide note to section 1 of this act.

institution; they shall then proceed to choose such professors, tutors, and employes, as the necessities of the institution demand. In case of vacancy in the office of president, or in case a suitable man cannot be selected, the president of the State Board of Agriculture, or such member of the board as shall be designated by them, shall be president *pro tem.* of the college, who shall receive such compensation for his services as the board shall determine.

(3553.) SEC. 22. The board shall fix the salaries of the president, professors, and other employes, and prescribe their respective duties. The board may remove the president or subordinate officers, and supply all vacancies.

(3554.) SEC. 23. The board shall have power to regulate the course of instruction, and prescribe, with the advice of the faculty, the books to be used in the institution; and also to confer, for similar or equal attainments, similar degrees or testimonials to those conferred by the University of Michigan.

(3555.) SEC. 24. The president, professors, farm manager, and tutors shall constitute the faculty of the State Agricultural College. The president of the college shall be the president of the faculty. The secretary of the State Board of Agriculture shall be a member and secretary of the faculty.

(3556.) SEC. 25. The faculty shall pass all needful rules and regulations necessary to the government and discipline of the college, regulating the routine of labor, study, meals, and the duties and exercises, and all such rules and regulations as are necessary to the preservation of morals, decorum, and health.

(3557.) SEC. 26. The faculty shall have charge of the laboratories, library, and museums of the institution.

(3558.) SEC. 27. The faculty shall make an annual report by the first Wednesday of December of each year, to the State Board of Agriculture, signed by the president and secretary, containing such information and recommendations as the welfare of the institution, in their opinion, demands. Any members of the faculty may make a minority report if they disagree with the conclusions of the majority, which the faculty shall communicate to the board. No communication at any other time, from members of the faculty, shall be entertained by the board, unless they have been submitted to a meeting of the faculty and sanctioned by a majority.

(3559.) SEC. 28. The president shall be the chief executive officer of the State Agricultural College, and it shall be his duty to see that the rules and regulations of the State Board of Agriculture, and the rules and regulations of the faculty, be observed and executed.

(3560.) SEC. 29. The subordinate officers and employes, not members of the faculty, shall be under the direction of the president, and, in the recess of the board, removable at his discretion, and he may supply vacancies that may be thus or otherwise created. His action in these respects shall be submitted to the approval of the State Board of Agriculture at their next meeting.

(3561.) SEC. 30. The president may or may not perform the duties of a professor, as the State Board of Agriculture shall determine. If he performs the duties of a professor, or in case the duties of president are exercised by a president *pro tem.*, a superintendent of the farm may be appointed, who shall have the general superintendence of the business pertaining to the farm, the land, and other property of the institution, and who shall be a member of the faculty.

(3562.) SEC. 31. The president and secretary, together with the superintendent of the farm, if there be one, and in case there is not one, then one of the professors to be elected by the faculty, shall constitute a committee to fix the rate of wages allowed to students, and rate of board. In assessing the board, it shall be so estimated that no profit shall be saved to the institution, and as near as possible at the actual cost. The rates of wages allowed, and rate of charge for board, shall, if practicable, be submitted to the State Board of Agriculture before they take effect.

(3563.) SEC. 32. For current expenditures at the State Agricultural College, specific sums shall be set aside, in the hands of their treasurer, by the State Board of Agriculture, which shall be subject to the warrants of the president of the college, countersigned by the secretary. All moneys due to the institution or received in its behalf shall be collected and received by the secretary, and deposited by him with the treasurer of the State Board of Agriculture. The secretary shall, with his annual report, render a full and complete account of all moneys received and all warrants drawn on the treasurer, as secretary of the college, and shall file and pre-

serve all vouchers, receipts, correspondence, or other papers relating thereto.

(3564.) SEC. 33. All agricultural operations on the farm shall be carried on experimentally, and for the instruction of the students, and with a view to the improvement of the science of agriculture in the State of Michigan. To this end, the State Board of Agriculture shall cause to be published in their annual report,—

First, A statement of the number of fields under cultivation on the College Farm, their number as recorded on the farm plat, with the number of acres of arable land in each field, the kinds of crops raised, the number of acres of each kind, and the number of the field on which they were raised ;

Second, The manner of preparation of the soil for the various crops, methods of seeding or planting, kind and variety of seed used, manner of cultivation, and harvesting ;

Third, The several kinds, and a description of all implements used in the various stages of the different crops, with reports on their utility and adaptation for the purposes used ;

Fourth, The time of preparation of the soil, sowing, planting, cultivating and harvesting, and a general statement of the weather, and its influence upon the several crops ;

Fifth, The kinds of manures used, and crops and fields, or parts of fields, to which they were applied, the time and manner of application, and the several results ;

Sixth, A detailed and systematic account of the number of days' work, of ten working hours each, of men and teams, in the production of each separately treated crop ; said statement of labor to be in three divisions: first up to the time the seed is deposited in the ground ; secondly, during cultivation ; thirdly, while harvesting and fitting the crop for market ;

Seventh, A full and accurate statement of the yield per acre, by weight or measure, of all crops raised on the farm, distinguishing between the several kinds of treatments, as to manures used, depth of plowing, difference of cultivation, time of harvesting, kind or variety of seed used.¹

(3565.) SEC. 34. All the swamp lands granted to the State of Michigan by act of Congress, approved September twenty-eighth, one thousand eight hundred and fifty, situate in the townships of Lansing and Meridian, in the county of Ingham,

¹ Vide note to section 1 of this act.

and Dewitt and Bath, in the county of Clinton, of which no sale has been made, or for which no certificates of sale have been issued by the Commissioner of the Land Office, are hereby granted and vested in the State Board of Agriculture and placed in the possession of the State Agricultural College, for the exclusive use and benefit of the institution, subject only to the provisions relating to drainage and reclamation of the act of Congress donating the same to the State.

(3566.) SEC. 35. The State Board of Agriculture shall have authority to sell and dispose of any portions of the swamp lands mentioned in the preceding section of this act, and use the same or the proceeds thereof for the purpose of draining, fencing, or in any manner improving such other portions of said lands as it may be deemed advisable to bring under a high state of cultivation for the promotion of the objects of the State Agricultural College. The terms and conditions of the sale of the portions of the above-described lands thus disposed of shall be prescribed by the State Board of Agriculture, and deeds of the same, executed and acknowledged, in their official capacity, by the president and secretary of the State Board of Agriculture, shall be good and valid in law.

(3567.) SEC. 36. David Carpenter, of Lenawee county; Justus Gage, of Cass county; Philo Parsons, of Wayne county; Hezekiah G. Wells, of Kalamazoo county; Silas A. Yerkes, of Kent county, and Charles Rich, of Lapeer county, are hereby constituted and appointed the first State Board of Agriculture. At their first meeting, which the Governor of the State is hereby authorized and directed to call at as early a day as practicable, they shall determine by lot their several periods of service, two of whom shall serve for two years, two of whom shall serve for four years, and two of whom shall serve for six years, respectively, from the third Wednesday of January last past, when they are superseded by appointments, in accordance with the provisions of section one of this act, or until their successors are chosen.

(3568.) SEC. 37. Act number one hundred and thirty, Session Laws of eighteen hundred and fifty-five, being an act for the establishment of a State Agricultural School, and all other acts or parts of acts in conflict with the provisions of this act, are hereby repealed.

AN ACT to establish a military school in connection with the
Agricultural College.

[*Approved March 20, 1863. Laws of 1863, p. 364.*]

(3569.) SECTION 1. *The people of the State of Michigan enact,* That in addition to the course of instruction already provided by law for the Agricultural College of this State, there shall be added military tactics and military engineering.

(3570.) SEC. 2. The State Board of Agriculture are hereby authorized and required to make such additional rules and regulations for the government and control of the Agricultural College, as may be necessary to carry into effect the provisions of section one of this act.

(3571.) SEC. 3. The State Board of Agriculture shall, by and with the advice and consent of the Governor, the Adjutant General, and Quartermaster General, procure, at the expense of the State, all such arms, accoutrements, books and instruments, and appoint such additional professors and instructors, as, in their discretion, may be necessary to carry into effect the provisions of this act: *Provided,* That nothing in this act shall be construed to authorize the incurring of any indebtedness against the State, or the expenditure of money beyond the appropriations made to the Agricultural College.

INSTITUTIONS OF LEARNING.

AN ACT to provide for the incorporation of institutions of learning.

(Compiled Laws, p. 1060.)

(3134.) SECTION 1. ¹ *The People of the State of Michigan enact,* That any number of persons, not less than five, may become a corporation for the purpose of founding and establishing a college, seminary, academy, or other institution of learning, by complying with the provisions of this act. When stock, legacies, bequests, or donations to the amount of thirty thousand dollars for any such college, or two thousand dollars for any such seminary, academy, or other institution of learning so intended to be founded and established, shall be in good faith subscribed or given, and fifty per cent thereon actually paid in as herein required, such persons may elect trustees for such college, seminary, academy, or other institutions of learning; and thereupon said trustees shall severally subscribe articles of association, in which shall be set forth the name, character, and object of the corporation; the amount of capital stock so subscribed, bequeathed, donated or given, and the amount paid in; the names and place of residence of the trustees; the length of time they shall continue in office, not to exceed thirty years; the manner in which their successors shall be elected, who shall not be less than five nor more than thirty-five, and the place where such college or other institution shall be located. Said articles of association, when subscribed as aforesaid, shall be filed in the office of the Secretary of State; but such articles shall not be filed until there is annexed thereto an affidavit made by at least three of such trustees, that the amount of stock required by this section has been in good faith subscribed and that fifty per cent thereon

¹ As amended in 1878.

has been paid in ; and thereupon the persons who have subscribed said articles, with such other persons as may from time to time become donors to such institution, or, if such articles of association so declare, the trustees elected as herein provided shall be a body corporate and politic, capable of suing and being sued, and may have a common seal, which they may make and alter at pleasure, and be capable in law of receiving by gift, subscription, bequest, will, donation or device, and of purchasing, holding, and conveying any real estate or personal property whatsoever, for the purpose of founding, establishing and conducting any such college, seminary, academy or other institution of learning, and may alter or amend said articles of association, such alteration or amendment not being inconsistent with the foregoing provisions of this section. But in case of alteration or amendment they shall, within twenty days thereafter, file a copy of such amendment, duly certified by said trustees, with the Secretary of State.

(3135.) SEC. 2. A copy of any such articles of association filed in pursuance of this act, with a copy of the affidavit annexed thereto, and certified by the Secretary of State to be a copy, shall, in all courts and places, be presumptive evidence of the incorporation of such institution, and of all the facts therein stated.

(3136.) SEC. 3. The trustees of any college or seminary incorporated under the provisions of this act, besides the general powers and privileges of a corporation, shall have power,—

First, To elect their own chairman or clerk ;

Second, Upon the death, resignation, or other vacancy in the office of any trustee, to elect another in his place ;

Third, To declare vacant the seat of any trustee who shall absent himself from five successive meetings of the board ;

Fourth, To take and hold, by gift, grant, or devise, any real or personal property, the annual income or revenue of which shall not exceed twenty-five thousand dollars ;

Fifth, To sell, mortgage, let, or otherwise use such property, in such manner as they shall deem most conducive to the educational interests of such corporation ;

Sixth, To direct and prescribe the course of study and discipline to be observed in the college, seminary or academy : *Provided*, That no religious test whatever shall be required of any pupil in such institution ;

Seventh, To appoint a president, professors, tutors, and such other officers and agents as they may deem necessary, who shall hold their offices during the pleasure of the trustees ;

Eighth, To grant such literary honors as are usually granted by any such college or similar institutions in the United States, and in testimony thereof to give suitable diplomas, under their seal, and the signatures of such officers of the institution as they may deem expedient: *Provided,* That the course of study pursued in such college be, in all respects, as thorough and comprehensive as is usually pursued in similar institutions in the United States ;

Ninth, To ascertain and fix the salaries of the president, professors, and other officers and agents ;

Tenth, And to make all ordinances and by-laws necessary and proper to carry into effect the foregoing powers.

(3137.) SEC. 4. Every diploma granted by such trustees shall entitle the possessor to all the immunities which, by usage or statute, are allowed to possessors of similar diplomas granted by any similar institution in the United States.

(3138.) SEC. 5. The trustees of any academy incorporated under the provisions of this act, besides the general powers and privileges of a corporation, shall have power,—

First, To take and hold, by gift, grant, subscription, bequest, or devise, any property, personal or real, the annual income or revenue of which shall not exceed four thousand dollars ;

Second, To sell, mortgage, let, or otherwise use and dispose of such property for the benefit of such academy ;

Third, To direct and prescribe the course of study and discipline in such academy ;

Fourth, To appoint a treasurer, clerk, principal, and such other officers and agents as they shall deem necessary, who shall hold their offices during the pleasure of the trustees ;

Fifth, To ascertain and fix the salaries of all the officers of the academy ;

Sixth, To make all ordinances and by-laws necessary to carry into effect the foregoing powers.

(3139.) SEC. 6. Any institution incorporated under the provisions of this act, shall be always subject to the visitation and examination of the Superintendent of Public Instruction, and also to a Board of Visitors (three in number), to be annually appointed by said Superintendent ; and said Visitors

shall report to said Superintendent as soon after an examination as practicable.

(3140.) SEC. 7. The trustees of any institution incorporated under the provisions of this act, shall apply all funds and property belonging thereto, according to their best judgment, to the promotion of its objects and interests: *Provided*, That any gift, bequest or donation to such institution for any specific object, shall be faithfully applied to the object specified by such donor.

(3141.) SEC. 8. The trustees of any institution incorporated under the provisions of this act, may require the treasurer, and all other officers and agents, before entering upon the duties of their respective offices, to give bonds and securities in such sums as they may deem proper and sufficient.

(3142.) SEC. 9. Such trustees shall be required, on or before the first day of December, annually, to report to the Superintendent of Public Instruction, a statement of the name of each trustee, officer, teacher, and student of such institution, with a statement of its property, the amount of stock subscribed, donated and bequeathed, and the amount actually paid in, and such other information as will tend to exhibit its condition and operations. And said trustees shall be severally and jointly liable for all the labor performed for the corporation; but no execution shall issue against any trustee, till an execution against the corporation shall have been returned unsatisfied, in whole or in part; and no such trustee shall be thus liable, unless suit for the collection of such debt shall have been brought against said corporation within one year after such debt shall have become due.

(3143.) SEC. 10. Service of legal process on any such corporation, may be made on any one of the trustees thereof, if such trustee be in the county in which the institution is located; but if not, then by leaving a copy of such process with any officer in the employ thereof, at its principal place of business.

(3144.) SEC. 11. Any institution of learning now in existence in this State, whether incorporated or not, shall be entitled to all the benefits of this act, by complying with the provisions of this act; and may, by a vote of the majority of such corporation or unincorporated company or association, or be taken according to the act of incorporation, by-laws, to other legal regulations thereof, determine to avail itself of

the provisions of this act, and to take and assume corporate name and powers thereunder, and may, by a like vote, transfer to such corporation formed under this act, all its property, both real, personal, and mixed; and thereupon said corporation, to which such property is so transferred, shall take the same in the same manner, to the same extent, and with the like effect as the same was previously owned and held by the corporation, company or association so transferring the same, and may, in its own corporate name, sue for and collect all debts, dues, demands, subscriptions, devises, and bequests thereof. The said corporation so taking such property as aforesaid, shall take the same subject to all liens, trusts, and limitations, both legal and equitable to which the same was subject before such transfer, and shall also be liable for all the debts and obligations of such previous corporation, company or association, and shall pay the same to the full extent of the value of such property at the time of so taking the same.

(3145.) SEC. 12. Nothing in this act shall be construed as granting banking powers, or as allowing the business of brokerage, or any other powers not usually granted to or exercised by institutions for educational purposes.

(3788.) SECTION 1. ¹ It shall be the duty of the president of the board of trustees of every organized academy, or literary, or collegiate institution, heretofore incorporated or hereafter to be incorporated, to cause to be made out by the principal instructor, or other proper officer, and forwarded by mail or otherwise, to the office of the Superintendent of Public Instruction, between the first and fifteenth days of December in each year, a report, setting forth the amount and estimated value of real estate owned by the corporation, the amount of other funds and endowments, and the yearly income from all sources, the number of instructors, the number of students in the different classes, the studies pursued, and the books used, the course of instruction, the terms of tuition, and such other matters as may be specially requested by said Superintendent, or as may be deemed proper by the president or principal of such academies or institutes, to enable the Superintendent of Public Instruction to lay before the Legislature a fair and full exhibit of the affairs and condition of said institutions.

¹ Enacted March 4, 1889.

STATE PUBLIC SCHOOL FOR DEPENDENT AND NEGLECTED CHILDREN.

AN ACT to establish a State Public School for dependent and neglected children.

[*Approved April 17, 1871. Laws of 1871, p. 280.*]

(3773.) SECTION 1. *The people of the State of Michigan enact,* That the Governor shall appoint three commissioners, for the purpose of selecting a suitable site and erecting thereon buildings for a State School or temporary home for dependent and neglected children, such institution to be known as the "State Public School."

(3774.) SEC. 2. The said commissioners shall have power to receive proposals for the donation of land to the State for such site, and to receive the same by gift, or they may purchase such site if no proper location shall be given for that purpose, and they may receive proposals for donations of money or other securities, in behalf of this State, for the benefit of such School, and they may locate the same at such point as they shall deem for the best interests of this State. They shall receive no pay for their services under this act, except their traveling and other official expenses. That the Governor shall be *ex officio* a member of said board.

(3775.) SEC. 3. That the deeds for such site shall be duly executed to the people of this State and delivered to the Auditor General, and the State Treasurer thereupon is hereby directed to pay, on the warrant of the Auditor General, to such grantor of whom such site shall be purchased, in case of the purchase of the same, such sums of money as may be required to pay for the site: *Provided*, That not over two thousand dollars shall be paid for that purpose. That said

commissioners shall at their first meeting appoint from their number a secretary and treasurer.

(3776.) SEC. 4. That the sum of fifteen thousand dollars for the year eighteen hundred and seventy-two, and fifteen thousand dollars for the year eighteen hundred and seventy-three, is hereby appropriated for the purpose of carrying into effect the provisions of this act, which said sums the Auditor General shall add to and incorporate in the State tax for the years eighteen hundred and seventy-one and eighteen hundred and seventy-two, and, when collected, shall be passed to the credit of the State Public School fund, and may be drawn by the treasurer of said commissioners upon warrants made by their secretary, approved by commissioners, and countersigned by the Governor.

(3777.) SEC. 5. It shall be the duty of the secretary of said commissioners to render quarter-yearly, to the Auditor General, accounts current of all cash transactions, and all moneys received, with the proper vouchers; and no money shall be drawn by virtue of this act by said commissioners unless they shall have first filed with the Auditor General an estimate and statement, showing the purpose for which such money is required.

(3778.) SEC. 6. The said commissioners shall have the superintendence of the grounds, and the design and construction of the necessary buildings, with power to appoint an architect, superintendent, and other necessary agents and assistants, and to fix the compensation for their services, subject to the approval of the Governor. The principal building shall have a capacity for not less than one hundred children.

(3779.) SEC. 7. Said commissioners, before they enter upon the duties of their office, shall each take and subscribe the constitutional oath of office, and file the same in the office of the Secretary of State, and the treasurer of said commissioners shall give his bond to the people of this State in the penal sum of ten thousand dollars, with two or more sufficient sureties approved by the Governor, conditioned for the faithful performance of the duties required of him, and to properly account for all moneys received by him under this act.

(3780.) SEC. 8. When the State Public School shall be finished, the said commissioners shall make under their hands a certificate thereof, which shall be transmitted to the Gover-

nor, who shall thereupon give public notice that the same is ready for the reception of dependent and neglected children. That after the completion of State Public School building, and until the last day of the session of the Legislature next succeeding such completion, said commissioner shall have the control and government of said State Public School, with the same authority and duties as are given to the board named in section nine of this act.

(3781.) SEC. 9. The general supervision and government of said State Public School shall be vested in a board of control, to consist of three members, who shall be appointed by the Governor, by and with the advice and consent of the Senate, the members of which board shall hold their offices for the respective terms of two, four, and six years, from the last day of the session of the Legislature next after the completion of said State Public School building, and until their successors shall be appointed and qualified, said respective terms of office to be designated in their several appointments; and thereafter there shall be one of said board appointed every two years, whose term of office shall continue for six years, or until his successor is appointed and qualified. The members of said board shall constitute a body corporate, under the name and style of the "Board of Control of the State Public School," with the right of suing and being sued, of making and using a common seal, and altering it at pleasure. That said board of control shall have the power of taking and holding by purchase, gift, donation, device, or bequest, real or personal estate to be applied to the use of the institution.

(3782.) SEC. 10. It shall be the duty of the members of said board of control to meet annually at the State Public School on the second Wednesday of May in each year, and at said annual meeting they shall elect outside of their own body a treasurer, who shall hold his office for one year and until his successor shall be elected and qualified. The treasurer of said board of control shall give his bond to the people of this State, in the penal sum of ten thousand dollars, with two or more sufficient sureties approved by the Governor, conditioned for the faithful performance of the duties required of him, and to properly account for all moneys received by him under this act. It shall be their duty to meet once in four months on their own adjournments, and oftener if they shall deem

advisable. They shall establish a system of government, and make all necessary rules and regulations for said school for enforcing discipline, for imparting instruction, for preserving health, and generally for the proper physical, intellectual, and moral training of the children in such school. They shall appoint a superintendent and matron for said school, and all other such officers, teachers, and servants as they shall deem best, and prescribe their several duties and fix the compensation for their services, subject to the approval of the Governor.

(3783.) SEC. 11. There shall be received as pupils in such school those children that are over four and under sixteen years of age, that are in suitable condition of body and mind to receive instruction, who are neglected and dependent, especially those who are now maintained in the county poor-houses, those who have been abandoned by their parents, or are orphans, or whose parents have been convicted of crime. The said board of control shall have power to receive any child under the age of four years or over sixteen years of age, and may reject any between the ages of five and sixteen years of age, whom they may for any cause deem improper inmates of such school. No pupil shall be retained in said school after arriving at the age of sixteen years, unless by consent of said board of control.

(3784.) SEC. 12. The children in such school shall be maintained and educated in the branches usually taught in common schools, and shall have proper physical and moral training.

(3785.) SEC. 13. It is declared to be the object of this act to provide for such children only temporary homes until homes can be procured for them in families. It shall be the duty of such board of control to use all diligence to provide suitable places in good families for all such pupils as have received an elementary education; and any other pupils may be placed in good families on condition that their education shall be provided for in the public schools of the town or city where they may reside. That said board of control are hereby made the legal guardians of all the children who may become inmates of said school, with authority to bind out any child to a pursuit or trade during minority, under a contract insuring the

child kind and proper treatment and a fair elementary education.

(3786.) SEC. 14. That whenever there shall be sufficient room for the reception of the class of children described in this act, in such State Public School, no such children shall hereafter be maintained in county poorhouses. That in receiving such children into such school, preference shall be given first to dependent and indigent orphans or half orphans of deceased soldiers and sailors of this State.

The following sections were enacted in 1873:

(3787.) SEC. 15. As soon as the State Public School buildings are ready for the admission of inmates, and thereafter semi-annually, and whenever inquired of by the superintendents of the poor, it shall be the duty of the secretary of the board of control, to notify the superintendents of the poor of each county, how many children of the county notified can be received in said School. That the admission for dependent children in said school shall be as near as practical divided among the several counties in proportion to the number of dependent children in each. That it shall be the duty of the superintendents of the poor of each county, to forward to said school any dependent and neglected children that are entitled by this act to admission thereto in the manner herein provided. All expenses attending the forwarding of such children and of the examination herein provided for, and of returning to the counties where they belong, children not entitled to admission, shall be defrayed by the county to which they belong, by the county treasurer out of the funds appropriated to the support of the poor belonging to such county after being allowed and certified by the county superintendents.

SEC. 16. Before the superintendents of the poor shall send any child to said school, they shall cause him to be brought before the judge of probate in the county where the child belongs, for examination by the judge of probate as to his alleged dependence; and it shall be the duty of the superintendents of the poor of each county in the case of children in the poor-houses, or other children which shall be found in a state of want or suffering, or being abandoned or improperly exposed, or children in any orphan asylum where the officers thereof desire to surrender them to the care of the State,

whenever there shall be a vacancy for their county in said school, to bring such children before the said judge of probate for said examination; and it shall thereupon be the duty of the said judge of probate to investigate the facts in each case and ascertain whether such children are dependent; their ages, names, and residence of parents, and in what county poor-house or orphan asylum they have been kept, if any, and for how long a time; and said judge of probate shall have power to compel the attendance of witnesses, and may in his discretion request the attendance of the prosecuting attorney on such examinations, and if so requested, it shall be the duty of such prosecuting attorney to attend in behalf of the county. The parents or any friend may appear in behalf of any child, and in his discretion the said judge of probate may request any supervisor of any town or ward, to appear in behalf of any child; and if, on such examination, the said judge of probate shall find that any child is dependent and neglected, he shall enter such finding by a proper order in the journal of the probate court in his office, and shall deliver to the superintendent of the poor procuring such examination, a certified copy of such order which shall contain, besides said findings, a statement of the facts so far as ascertained, as to the age of the child, names and residence of parents, and name of county poor-house or orphan asylum where the child has been maintained, and the length of time of such maintenance; and in the case of the examination, of two or more children at the same time, only one order need be made; and said certified copy of said order shall be delivered, with the child at said school, to the superintendent thereof.

SEC. 17. It shall be the duty of said board of control to provide and always keep open for inspection of all persons desiring to examine it, a book in which shall be registered the names and ages of the children received in said school, and the residence of parents as near as can be ascertained, in which book shall also be recorded the date when the child is received and when the child left the school, and whether the child was apprenticed, placed in a family, or otherwise, and if placed in a family, the name, residence, and occupation of the head of such family, and if apprenticed, to whom.

SEC. 18. The said board of control is authorized to designate some officer, teacher, or other employe connected with said

school to act as agent thereof, and who shall act in that capacity during the pleasure of said board of control, and shall be known as the agent of the State Public School; and his duties as such agent shall be prescribed by said board, and shall include the visiting as often and at such times as said board of control shall determine, any and all children placed in charge of any person by said board of control, to inquire into the condition of such children and make such investigation as may be necessary in relation thereto, and report the same to said board of control; to investigate all applications to take such children, by adoption or otherwise, to such suitable persons who are willing to adopt, take charge of, or otherwise take and keep any children sent to said school; and to enter into a contract in writing in behalf and under the instructions of said board of control, with the persons taking such child; and all such contracts shall contain a clause reserving to said board of control the right to withdraw the child from any person having him when in the opinion of the board the welfare of the child require it. The said agent, while acting as such, shall be paid his necessary traveling expenses by the treasurer of said board of control after being allowed and certified by said board of control.

APPENDIX.



APPENDIX.

(A.)

MODE OF PROCEDURE AT DISTRICT MEETINGS.

Attendance upon the school meetings of the district should be considered one of the most important of public duties. And an earnest desire to secure concert of action, and harmony of feeling, should be manifest in the order, regularity, and courtesy with which the proceedings are conducted. Section twenty-nine provides that the moderator shall preside at all meetings of the district. In case he is absent, some person will call the meeting to order, nominate a chairman, put the question, and declare the result. If the director be present, it will be proper for him to perform this duty, though any voter is competent to act. The person chosen to preside will secure the appointment of a clerk *pro tem.*, in case the director be absent. The chairman will not be deprived of his right to vote on any question submitted to the meeting. He may give a casting vote in case of a tie, or he may vote with the minority, when there is otherwise a majority of one in favor of any resolution, and thus make it a tie vote, which defeats the resolution, or he may vote upon a call of the yeas and nays when his name is reached. He can, however, cast but one vote upon the question.

The chairman must put to vote every motion or resolution that is seconded, unless he deems such motion or resolution to be out of order, and so declares. If the person making the

motion regards the decision of the chairman erroneous, it is his right to appeal to the meeting from such decision, and, if the appeal is seconded, it is the duty of the chairman to put the question, "Shall the decision of the chair be sustained?" In case the meeting refuses to sustain the decision, it is the duty of the chairman to put the original question: a refusal to do so is disorderly, and the meeting has power to select another person for chairman, who will conform to the decision. The motion for this purpose may be put by the director or person acting as clerk of the meeting, and the result should be declared by him. There is no code of rules for regulating the proceedings of district meetings, and hence that must be held to be legal to which a majority consents. The office of chairman is to aid in ascertaining the will of the majority at the meeting.

(*Section 19.*) "The qualified voters in such school district, when lawfully assembled, shall have power to adjourn from time to time, as may be necessary."

A motion to adjourn takes precedence of all others. A motion to adjourn indefinitely takes precedence of a motion to adjourn to a day fixed. If the first does not prevail, the question will then be put upon the second. If a majority are in favor of adjourning, they cannot withdraw from the meeting until the question of adjournment has been put and declared carried by the chairman, without leaving the minority in possession of all the powers of the district. A motion to adjourn cannot be received after another question is actually put to vote, and while the meeting is engaged in voting upon it, but in such case the vote must be concluded, and the result announced by the chairman. If the meeting adjourns indefinitely, all questions pending are discontinued, and they can

be renewed only upon a fresh proposition; but if the adjournment is to a specified time, it is only a continuance of the session, and questions are to be taken up at the point they were left.

If a new body of voters appear before the meeting is adjourned, any motion or resolution already passed may be reconsidered and rescinded; but after the adjournment, as declared by the chairman, neither the same, nor another body of voters, can reorganize the meeting and pass any vote that shall be binding on the district.

When a resolution is to be repealed at the meeting at which it was passed, it is usually done by a motion to reconsider. The general rule is, that a motion to reconsider can only be made by a person who voted with the majority on the question, the reconsideration of which is proposed; and this rule is a proper one for the chairman of the meeting to observe; but, if on appeal from the decision of the chairman, a majority of the meeting choose to disregard the rule, it may be set aside. The usual rules governing deliberative or legislative bodies, are not binding upon district meetings, unless such meetings adopt said rules.

The law now requires that all district officers shall be elected by ballot. It is desirable that an informal ballot should precede the formal ballot. If a vacancy exists at an annual meeting, from any other cause than the expiration of the incumbent's term, it is advisable that a resolution be passed declaring that such vacancy exists, and stating the ground on which the meeting regards the office vacant. It is for the meeting to judge in the first instance whether a vacancy exists, and although it may err in so declaring, the officer elected will be deemed an officer *de facto*, and his acts in relation to the

public and third persons deemed valid, until his election is pronounced void by competent authority. It is important that all vacancies, existing at the time of the annual meeting, be filled by an election, otherwise they will be filled by appointment which may prove less satisfactory. Officers elected at an annual meeting cannot be displaced by reconsidering or rescinding former proceedings at the same or an adjourned meeting. When an election has been had in due form, the elective power of the district is exhausted, and the officers chosen at the annual meeting are the legal officers of the district, until by death, resignation, removal from the district, expiration of term, refusal to serve, or removal from office, a vacancy occurs, proper to be filled by election or appointment. And when a person entitled to hold office has been elected, and has not refused to serve, there is no power to take it from him, or debar him from assuming its duties.

(B.)

DUTIES AND POWERS OF THE DISTRICT BOARD.

Section 57 provides that the district board shall have the general care of the school, and may establish all needful regulations for its management. The rules and regulations should be only such as the good of the school seems to require. These should be comprehensive and reasonable, and be so framed as to aid the teacher rather than to supplant him. The teacher, in the school-room, becomes the executive officer of the board. He must govern the school under the law and according to such rules as are made in accordance therewith. The rules and regulations must guide him until they are set aside by competent authority. *Section fifty-eight* confers upon the board the power to suspend any pupil from the

privileges of the school for non-compliance with the rules established by them, or by the teacher with their consent. The right to attend a common school is a common, not an exclusive personal right. The Supreme Court of Massachusetts (8 Cush. Mass. R. 164), says in reference to this right, "Like other common rights (*that of way* for instance), it must be exercised under such limitations and restrictions that it shall not interfere with the equal and co-extensive rights of others. Take the case of a contagious disease: can it be doubted that the presence of a pupil infected could be lawfully prohibited, not for any fault, or crime, or wrong conduct, but simply because his attempt to insist on his right to attend, under such circumstances, would be dangerous and noxious, and so an interruption to the equal and common right." In the same case, the court held that school officers have a right to exclude a child for open, gross immorality, manifested by licentious language, manners and habits, though not manifested by acts of licentiousness or immorality within the school; for, says the court, "It is as necessary in the unreserved intercourse of pupils of the same school, as well without as within its precincts, to preserve the pure minded, ingenuous, and unsuspecting children of both sexes from the contaminating influences of those of depraved sentiments and vicious propensities and habits, as from those infected with contagious diseases." While there can be no doubt that the board have the power to exclude a child, not for punishment merely, but for the protection of others from vicious influences that would defeat the object for which the school is organized, yet we are not to forget that humanity dictates that we deal gently with erring childhood. Education seeks to deter from vice, and also to reclaim those who have become vicious through

parental neglect or parental example. Remonstrance and persuasion should be exhausted before suspension from school can be justified. Expulsion, which is a *penal* and *final* separation from school, is justified only by such insubordination on the part of the pupil as to render it impossible to maintain order and discipline without excluding him. This power should be exercised, only after an earnest effort to avoid a resort to it. Teachers are not without infirmities, and their vocation sometimes aggravates them; and it is the duty of the board to know that there has been no oppressive exercise of authority, which has led to the insubordination that is made the occasion of a punishment so severe.

In case the board neglects to establish rules and regulations as provided for by law, the teacher is not therefore inhibited from managing and governing the school according to his best judgment, nor can any advantage be taken of the fact that his rules have not been consented to by the board. In case of serious insubordination, he should call upon the board to sustain his authority; and when so called upon, the board should be careful not to weaken his authority by criticising publicly his conduct.

By section 57 the duty of the board to prescribe text-books is obligatory. Nothing, at present, so retards the successful progress of our schools in the rural districts, as a want of uniformity in text-books. Sudden and sweeping changes should generally be avoided, and only such be made as are needed to secure the desired uniformity. The board should determine, by resolution, what school books shall be used, and then, after duly recording the same and posting a copy in the school-room, they should see that the books adopted are introduced and used. While the power to select books is left by

law exclusively in the hands of the district board, it is, nevertheless, very proper for them to consult with teachers in regard to the selection. This, as every other power conferred by law upon the district board, must be exercised by the board, meeting and deliberating at the same time and place, and not by one or two forming a determination and obtaining the assent of the absent. The decision of a majority at a meeting properly called, is the decision of the board, but the decision of a majority or even of all three, under other circumstances, is not the decision of the board. It is merely the concurrent opinion of the members of the board, and is no more the *decision* of the board than the concurrent opinion of the members of the Legislature, arrived at by taking their separate votes at their respective homes, would be an act of the Legislature. The law supposes that a majority may be convinced by a minority and change its determination, and therefore will not allow the majority to act without giving the minority due notice to participate.

(*Section 59.*) The school district is a corporate body, and as such, has perpetual succession and existence in its corporate name, and the capacity to hold real and personal estate for its corporate purposes. It possesses this power as a legal body, wholly distinct from the individuals which, from time to time, compose it. The district can act as a corporation only through its officers. The power to purchase or lease a site for a school-house, or to build, hire, or purchase a school-house, or to sell any school-house, site, or other property belongs exclusively to the district board. It is often the case that a building committee is appointed by the district to superintend the erection of a school-house. So far as a building committee aid the board by their advice and service in carrying out

the wishes of the people of the district, there can be no objection. But the district board alone has the power to bind the district by a contract, written or verbal, and the district has no power to supersede them by appointing a building committee or any other agents.

The district may, however, through a committee, procure plans and specifications for a school-house, and may select such plan as is deemed suitable, and limit the power of the district board to executing a contract for erecting a house according to the plan and specifications adopted. This is the only way of controlling the district board. It rests with the board to accept or reject the work, unless the people, in district meeting, have appointed or provided for the appointment of other arbiters. This may be done, by directing it to be inserted in the contract with the builder, that the sufficiency of the materials and workmanship under the contract shall be determined by persons named in the resolution. A stringent contract, which in all cases should be in writing, with proper provisions for the adjustment of any questions that may arise under it, will relieve the district board from much personal responsibility and trouble, as well as prevent quarrels and perhaps litigation, which are in any event disastrous. [Appendix A. and B. embody opinions and decisions from Mass., Wis., and Iowa. S. L. Comp.]

(C.)

EXAMINATION OF TEACHERS.

Examiners should remember that the law demands that they inquire, not only into the applicant's literary qualifications, but also determine whether the applicant is "qualified in respect to good moral character and ability to instruct and

govern a school." In the examination of teachers, then, it would be well to conduct a brief oral examination to ascertain the candidate's experience, special training, knowledge of elementary principles, moral character, and adaptness for the work; and afterward to submit written and oral questions, embracing a good number of topics on each of the branches of study required, and that a certain percentage of which must be satisfactorily answered to entitle the candidate to the certificate applied for. It would be well to preserve the manuscript of answers of every candidate, with an indorsement thereon of the class and grade of certificate granted; also, make a publication of the name, class, grade, and average standing of all those to whom certificates have been granted during the year. All questions to be answered by writing should be prepared with great care; they should be definite, involving principles rather than facts, and of sufficient number to test the knowledge of the candidate. Not only should all papers be preserved by the examining officer, and so arranged that a ready reference may be made to them, but a record of all examinations should be kept, for reasons so apparent as not to require notice here.

The law does not authorize the county superintendent, even in case of temporary absence or sickness, to deputize another person to discharge specific duties pertaining to his office; yet, it would be very proper for him to invite township inspectors, or other persons of suitable qualifications, to aid him in his examinations, and thereby awaken a wider and deeper interest in the locality where the work is going on.

(D.)

EMPLOYMENT OF TEACHERS.

(*Section 39.*) "The district board shall hire such qualified teachers as may be required." The selection of a teacher by the school board should be made with great care, as it is difficult to reject an ordinary teacher after an engagement is made and a contract executed. The prevailing practice has been, in our graded districts, to place the youngest, cheapest, and least experienced teachers in the primary schools. This is wrong, for it is in these schools that the foundation is laid for future scholarship and usefulness. Then, again, the work is more difficult, as it requires ceaseless watchfulness to keep employed and under proper discipline, and at the same time impart just such instruction as is adapted to the development of these young minds. Proficiency in the branches to be taught is but a small part of the qualifications of a good primary teacher. We want more tact, devotion to work, and much experience in these schools.

CHANGE OF TEACHERS.

The frequent change of teachers is a great hinderance to the improvement of our schools, operating with almost unvarying constancy from year to year, especially in the rural districts. It is evident that our school officers are not aware to what an extent these changes retard the progress of education in our schools. The rule should be, "Get good teachers, and then keep them as long as possible." Every teacher commences his labors in a school with which he is unacquainted under very considerable disadvantages, which would not exist if he were not a stranger. Of necessity he must spend some


time in overcoming them. He needs to acquaint himself with the dispositions, the capacities and attainments of his pupils, before he can begin the work of their instruction with advantage. It is also true that scholars cannot profit so much from the instructions of a stranger, other things being equal, as from those of one with whom they are acquainted. Their natural diffidence will have influence to prevent their improvement at first, and a mode of instruction different from that to which they have become accustomed, will operate in the same way. In this latter particular, teachers differ as much as in their manners, natural dispositions, and other personal qualities, and on these accounts they find it impossible, when they enter a strange school, to take up the process of instruction just where their predecessors left it. Hence, a considerable portion of a brief school term is often spent before teachers and pupils come to a good understanding, and get into working condition. A teacher, between whom and the school there is a mutual acquaintance, has many important advantages over a change. He is familiar with the natural characteristics of his scholars, and this is a cardinal point in successful school teaching; he knows their proficiency, and is prepared to carry the school forward with rapid progress from the day of its commencement. The subject should be more thoroughly considered by our district officers than it ever yet has been. If a teacher has been found competent and successful, that teacher ought by all means, if possible, to be retained. The difference of one or two dollars per week in wages ought not to have any weight against the obvious advantages of re-employment. In every department of business we recognize the evil of frequent change. Every business man considers a change of agents or clerks to be a serious evil; sometimes,

however, it may be necessary, but the necessity is always regretted. So it should be in the case of schools; one good teacher even should not be changed for another, much less a certainty for an uncertainty. School officers when employing teachers should have reference to the question, if they may not be obtained for a succession of terms, providing they prove skillful, successful instructors. The permanent instructor is placed in a very different situation from the one who expects to conduct the school under his charge only for a single term or two. In the latter instance he may feel that the responsibilities of a teacher are somewhat divided. If the school does not improve under his care, perhaps his successor will make amends for his delinquency, or his predecessor or successor will share with him the blame which he alone justly merits. But let the teacher understand that he may probably have the charge of the school under his care permanently (if he merits it), and he has more at stake. His reputation as a teacher will depend entirely on the wisdom of his plans, and their faithful execution. Let him but feel that the children under his care are to receive to a considerable extent their education at his hand, and there are many motives to more strenuous effort.

(E.)

INDORSING CERTIFICATES.

“Does the indorsement by a county superintendent of a teacher's certificate, given by the superintendent of another county, render such certificate valid for the county where the superintendent so indorsing it resides?” It is the opinion of the Attorney General of this State, that the certificate granted by the county superintendent has no force or effect except in



the county where granted, as section seven of the act to provide for county superintendents of schools expressly states. Section five prescribes that the county superintendent shall *examine* all persons offering themselves as teachers for the public schools. Section six provides that he shall grant certificates in such form as shall be prescribed, &c., licensing as teachers all persons whom, on thorough and full examination, *he shall deem qualified*, etc. It is further prescribed: "No person shall be accounted a qualified teacher, etc., nor shall any school officer employ or contract with any person, etc., who has not such a certificate in *force*." This must be construed to mean a certificate issued by the county superintendent of the county where the person proposes or seeks to teach. There are certain prescribed certificates good throughout the State. But the indorsement of a certificate, issued by one county superintendent, by another superintendent, is *not granting* a certificate, and cannot have the force and effect of a certificate for any legal purpose in the county where indorsed. Each county superintendent should issue his certificate as prescribed by law.

(F.)

TEACHER'S AUTHORITY.

The question is frequently discussed by school officers, parents, and teachers, as to the *extent* of the control which a teacher may legally exercise over his pupils in respect to *time and place*, it being contended by some that he has no concern with them in the way of authority or responsibility *after school hours or beyond the school-house premises*.

The following positions, as general rules, in reference to this matter, are fully sustained in law.

First, In the school room, the teacher has the exclusive control and supervision of his pupils, subject only to such regulations and directions as may be prescribed or given by the school board.

Second, The conduct of the pupils on any part of the premises connected with the school-house or in the immediate vicinity of the same (the pupils being thus virtually under the care and oversight of the teacher), whether within the regular school hours or before or after them, is properly cognizable by the teacher. And any disturbance made by them or offences committed by them within this range, injuriously affecting in any way the interests of the school, may clearly be the subjects of reproof and correction by the teacher.


Third, In regard to what transpires by the way in going to and returning from school, the authority of the teacher may be regarded as concurrent with that of the parent. So far as offences are concerned for which the pupils committing them would be amenable to the laws, such as larceny, trespasses, etc., which come more particularly within the category of crimes against the State, it is the wisest course generally for the teacher (whatever may be his legal power), to let the offenders pass into the hands of judicial or parental authority, and thus avoid being involved in controversies with parents and others, and exposing himself to the liability of being harassed by prosecution at law. But as to any misdemeanors of which the pupils are guilty in passing from the school-house to their homes, which directly and injuriously affect the good order and government of the school, and the right training of the scholars, such as truancy, willful tardiness, quarreling with other children, the use of indecent and profane language, etc., there can be no doubt that these come within the jurisdiction of the teacher, and are properly matters for dis-

cipline in the school. A recent decision in the Supreme Court of Vermont, illustrates and fully accords with the foregoing positions. The court decided that such misdemeanors have a direct and immediate tendency to injure the school by subverting the teacher's authority, and begetting disorder and insubordination among the pupils. The same doctrine is substantially recognized in the decisions of Supreme Courts in some other States. Respecting this and some other kindred topics, attention is called to the elaborate opinion of Chief Justice Shaw in the case (*Sherman vs. the Inhabitants of Charleston*; 8 Cushing's Mass. Reports, 160). The governing principle in all cases like the Vermont case is, that *whatever in the misconduct of pupils under like circumstances, as to time and place, etc., has a direct tendency to injure the school in its important interests, is properly a subject of discipline in the school.*

It is sometimes objected to the foregoing views that the responsibilities of teachers are in this way enlarged to an improper extent; that if their authority extends beyond the school-house limits and the school hours, their responsibilities must be increased in a corresponding ratio. But to this it may be answered, that the matter is to have a reasonable construction; that it cannot be expected that a teacher will follow his pupils into the streets to watch their conduct when beyond his view and inspection; the extent of his duty in this respect can only be to take cognizance of such misconduct of his pupils, under the supposed circumstances, as may come to his knowledge incidentally, either through his own observation or other proper means of information.

Fourth, Teachers may, at their discretion, detain scholars a reasonable time after the regular school hours, for reasons connected with the discipline, order or instruction of the

school. This practice has been sanctioned by general and immemorial usage among the schools, and by the authority and consent of school boards, expressed or implied, and has been found useful in its influence and results. There is no law defining precisely the *school hours*, as they are termed, or the hours within which the schools are to be kept. This is regulated by usage, or by the directions of the school boards, varying in different localities, and also in different seasons of the year. The practice under consideration, of occasionally detaining pupils after the regular school hours for objects connected with the school arrangements, rests precisely upon the same authority. The same superintending power that regulates and controls in the one case, does the same thing in the other; yet, the right in question should always be exercised by teachers with proper caution, and a due regard to the wishes and convenience of parents. It may be urged by way of objection to the practice in question, that if a teacher can detain a pupil a *quarter* of an hour, he can an *hour* or *two hours*, and indeed to any extent whatever without limitation. The answer to this is obvious—that the abuse of a practice is no argument against its general propriety and expediency; that teachers are supposed, like other agents, to be governed by reason and sound judgment in the performance of their duties, and if, in any case, they should grossly pervert the confidence and authority reposed in them in respect to this matter, they would, as in other like cases, be held responsible for the perversion.



TAXATION OF DOGS.

The law by which dogs were taxed one dollar per annum for the benefit of schools, was repealed at the last session of the Legislature, and an act passed requiring the owner of every dog to procure a license for keeping the same, for which he is to pay, for every male dog one dollar, and for every female dog three dollars per annum, under a penalty of ten dollars. The money thus obtained is to constitute a fund in the several townships and cities for the payment for sheep killed therein by dogs; the surplus to be apportioned upon the scholar to the school districts.

If this law is enforced, it cannot fail to bring a handsome revenue to the schools in the cities, where no sheep are kept, and more or less to the schools in the townships. Every taxpayer, therefore, is interested in having the law enforced.

UNIVERSITY AND SCHOOL LANDS.

At the last session of the Legislature, the law relative to the terms of payment for University and school lands was amended, whereby one-half, instead of one-fourth, of the purchase money must be paid down. The two amended sections are as follows :

(3818.) SEC. 2. The terms of payment on the sale of University and school lands, shall be fifty *per centum* of the purchase money to be paid at the time of the purchase, the balance of the principal at any time thereafter at the option of the purchaser, with interest at the rate of seven per cent per annum on the unpaid balance payable on the first day of March, or within sixty days thereafter, in each and every year, at such place or places as shall be specified in the certificate of purchase: *Provided*, That before any of said lands shall be sold, the Commissioner of the State Land Office shall require the affidavit of at least two persons (accompanied by the certificate of the supervisor of the township in which such lands are situated, as to the credibility of such persons), that such lands are not valuable chiefly by or on account of timber thereon.

(3823.) SEC. 7. The said commissioner shall, whenever it satisfactorily appears that the chief value of any parcel of land consists of pine or other timber, and that in his opinion the interest of the State will not be secured by a compliance with the terms of payment prescribed in the second section of this act, require full payment for the same.

ABSTRACTS OF DECISIONS UPON THE SCHOOL LAWS, BY THE SUPREME COURT OF MICHIGAN.

I.—DISTRICTS CREATED BY THE LEGISLATURE.

School inspectors can make no changes to affect the boundaries of a district established by a special act of the Legislature.—*17th Michigan, page 223.*

The Legislature, by a special act in 1867, organized a school district out of territory taken from three other districts in the township of Oshtemo, Kalamazoo county. The school inspectors of the township assumed that this did not affect their power under section 71 of the school laws, to "regulate and alter the boundaries" of districts; and they proceeded to set the territory back to the original districts, and destroy the district organized by the Legislature.

A bill was filed in the circuit court to restrain the inspectors from interference with the rights of the new district.

"The material facts were admitted by stipulation, and it was agreed that the only question of law to be submitted was, whether upon the facts, the board of school inspectors had any power to re-district the township in such manner as to destroy the new district. The court decided that the district was legally constituted; that the action of the inspectors complained of was unauthorized and void, and perpetually enjoined the inspectors and their successors from making any change

in the boundaries of the district, as established by the Legislature."

Appeal was taken to the Supreme Court, which confirmed the decision.

Judge Graves said: "It is very clear that the power claimed for the inspectors did not exist to the extent insisted on."

"The act itself did not purport to vest any authority in the inspectors to dispense with the law, and as the statute was the superior authority, it was beyond the power of the inspectors to destroy or invalidate its operation."

On the question whether the inspectors could ever exercise jurisdiction over the boundaries of the district, the court said: "As a corporation, it would stand by itself as an independent corporate existence, and deriving no vital support from the law under which inspectors form districts. The Legislature have not declared by this act, nor can it be implied from any other, when this period of exemption should terminate. It is a fair inference, then, that it was meant to be perpetual."

II.—PROPERTY OF A DISTRICT, AS AFFECTED BY THE INCORPORATION OF A CITY EMBRACING PART OF ITS TERRITORY.

Township of Saginaw vs. School District No. 1 of the City of Saginaw.—9th Michigan, page 541.

MANNING, JUDGE.—"School district No. 1 of the township of Saginaw, was incorporated in 1837. In 1857 the city of Saginaw was incorporated, the city limits being wholly within the school district, and comprising about one-fourth of the district. A mill tax for schools had been levied and collected in the district the preceding year, and paid over to the township treasurer, which the present action was brought to recover by the defendant in error, who was plaintiff in the court below. After the incorporation of the city, the officers

of the district assumed to act as officers of school district No. 1 of the city of Saginaw, for that part of the district comprised within the city limits, and to change the name of the district from No. 1 of the township of Saginaw to No. 1 of the city of Saginaw. The city charter provides for the election of two school inspectors for the city, and also makes the recorder of the city *ex officio* a school inspector, thereby clearly indicating an intention to sever the city from district No. 1 of the township; and such, we think, was its effect. We are also of opinion that, while the charter took from the district a part of its territory, it in no other respect deprived it of any of its legal rights, which remained the same after as before. And that, however equitable it may be that the city should have its proportion of the mill tax, or other property belonging to the district when the severance took place, we know of no law giving it to the city, or under which it can be claimed by the city as a legal right. Provision is made by statute for such cases when a school district is divided, or a part of one district is set off to another, by a board of school inspectors, but the case does not come within the law. The question on the trial was one of law for the court to decide, and not of fact for the jury. The judgment must be reversed, with costs."

That judgment (in the circuit court) was, that the city was entitled to its proportion of the mill tax levied and collected before its incorporation. The reversal decided that the portion of the district not taken into the city was still *the* district, entitled to all the property of the district. The inference is, that the territory of the city when incorporated, was disorganized as a school district, or any part thereof, and must be re-organized by the inspectors of the city.

III.—ERECTION OF NEW TOWNSHIPS, AND LIABILITY OF DISTRICTS FOR EXISTING DEBTS.

The People v. Ryan.—19th Michigan, page 203.


In 1863 the inspectors of Portage, Houghton county, organized the entire township into a graded district, and at the annual meeting a tax of \$5,000 was voted; also an issue of bonds for \$15,000. The creation of such a district was at that time illegal; but the Legislature in 1864, legalized all the proceedings; but with a proviso that the inspectors might make such changes in the district as they should see fit.

After the bonds were voted by the district, a portion of the township was set off and a new township organized by the name of Adams, the inspectors of which created a new district. The officers of the old district claimed that this was illegal without the consent of the board, under section 165 of the school laws; but the Supreme Court held that the legalizing act above referred to, was paramount to that section in its express proviso that the inspectors might create other districts. But the principal point decided was:

That in the creation of a new township the inspectors might organize a new district; and, as in the Saginaw case above, it was decided that the new city (or township) was entitled to none of the property of the district, it was here decided that it is liable for none of its debts.

In 1867 the district in Portage voted taxes for current expenses and for payment of bonds to the amount of \$19,500, of which \$3,088 would fall to the territory in Adams to pay, if it was in any way liable. The supervisor of Adams refused to assess it, and this decision of the court sustained him in the refusal.

JUDGE CAMPBELL said: "When, therefore, the statute of



1864, legalizing the erection of the township of Portage into a single district, provided further that it should not prevent the school board of the township from creating new districts whenever they might find it expedient, it was equivalent to placing this district, except as to its internal management, on the same footing with ordinary districts, and giving to the school board the same power to divide it, that they would have had in case it had been a common district. In other words, it was so far made subject to the ordinary incidents of town authority.

"As the school board of Portage township could not lawfully exercise power in another township, it followed that when the town of Adams was set off, that territory fell under control of the school board of Adams, and they have exercised their powers by organizing a new district, and have thereby severed it from the old graded district, if the organization of the town had not already done so; upon which I am not clear, and express no opinion.

"The liability to taxation for any school purpose must exist by statute before it can be enforced in the ordinary way. The statute of 1864 shows plainly enough that the Legislature then intended to make the whole of the original district responsible for the loan made on its credit. But that law is not operative in this case, and there is no other law providing for any such state of facts as we find here. Until some new law provides some rule of apportionment, the courts cannot interfere to devise one."

IV.—WARRANTS FOR SCHOOL MONEY NOT NEGOTIABLE.

Fox v. Shipman.—19th Michigan, page 218.

The board of district No. 1, of Sheridan, Calhoun county, drew a proper warrant for school moneys, payable to the

assessor, S. E. Geiger. The treasurer endorsed his acceptance upon the warrant, and the assessor endorsed it,—“Pay to the bearer the within order.” Wm. D. Fox demanded payment, and sued the treasurer before a justice of the peace, who gave a verdict for the defendant. The case was taken to the circuit court which gave a judgment of non-suit.

“The Supreme Court held that the warrant, or school order,—as the bearer of which the plaintiff brought his action,—was not a negotiable instrument; that it was an official order made by public officers—the moderator and director of the school district (Laws of 1867, p. 43, Sec. 53),—upon another, the township treasurer to pay a sum of money to still another, the assessor, who is the disbursing officer of the district; the duties of each of which are defined by the statutes; that the paying and receiving the money were official acts, performed in the execution of official trusts, and that the treasurer was under no obligation to pay the money to any other person than the assessor named in the warrant.

“The judgment of the court below was affirmed with costs.”

V.—MEETINGS OF SCHOOL INSPECTORS REQUIRE TEN DAYS' NOTICE, AND SAID NOTICE MUST STATE THE OBJECT OF THE MEETING. NO BUSINESS INCONSISTENT WITH THE NOTICE IS LAWFUL.

J. J. Passage et al. vs. the School Inspectors of Williamstown.—19 Michigan, p. 336.

CAMPBELL, J.

“The certiorari on this case brings up the proceedings of the respondents, whereby they re-organized certain school districts.

“The complaint is based on alleged irregularities, in not giving legal notice of their meetings, and in adjourning the

meeting for a week,—the business being done at the adjourned meeting.

“Notice was duly given of a meeting to be held January 30th, 1869, but at what hour is not mentioned in the notice, for the specific purpose of forming a new district out of certain lands named, none of which belonged to the relators. On January 30th, the board met and changed the boundaries of two districts, not including in the change any of the lands mentioned in the notice. The board then adjourned until February 6th, on which day nine school districts were re-organized, and the lands of the relators, which were in the ninth district, were thrown into different districts.

“The respondents claim they were not bound to give notice of their meetings, and that they have plenary power in the premises. We think this is not so. By the law, as it stood prior to the enactment of the statute creating county superintendents, it was provided by section 91 of the Primary School Law, that whenever the board met for the purpose of altering school districts, they should cause the like notice to be given as was required for meetings to examine teachers—(Section 91). This clearly required the notice to show the object of the meeting. The statute just referred to, repealed the law requiring teachers to be examined by the board [except in counties having no county superintendent], and it became necessary, therefore, to amend section 91, which was done by providing that the “township shall give at least ten days public notice of any meeting of the board, by posting such notice in three public places in the township.” This was the same notice previously required, and no change was made in its character. The repeal of other sections had made this new enactment necessary to supply the omission.

"The notice actually given was inconsistent with the business done at both meetings, and no one reading it could have supposed the board would have attempted any such proceeding as is shown by their return. Relators could not, if they had seen the notice, have anticipated any action which could have affected their interests.

"It may be doubted whether, under the statute, any adjournment, except from day to day, to conclude the current business is lawful. But, without deciding the question, we are satisfied that no business, inconsistent with the notice, could lawfully be done at either meeting.

"The proceedings of the board in re-organizing the districts were unlawful and must be quashed."

Remarks.—School inspectors will see from the above, that the Supreme Court will hold them to a strict compliance with the letter of the law in their organization of districts. And we may well infer from this decision, that in creating or altering fractional districts, the several town clerks must post the notices in their several townships, and any action had must be fully completed at the meeting.

VI.—FORMER DEBTS OF DISTRICTS WHEN UNITED.

Brewer v. Palmer.—13th Michigan, page 104.

Where two districts are united, the district so formed, is alone liable for the prior debts of each.

CAMPBELL, J.

"Plaintiff sued defendant for neglecting, as supervisor, to levy a tax on the district formerly known as school district No. 5 of the township of Almena, Van Buren county. The suit, on which judgment was obtained against district No. 5, was commenced in December, 1858, by service upon the

proper officer, if one existed, and judgment was taken by default. Judgment was given in this case for the defendant, on the ground that district No. 5 had ceased to exist.

"The power which was formerly, in *People vs. Davidson*, 2 Douglas R. 121, said to have been implied in the board of inspectors of each town, to combine school districts, was afterward granted expressly by section 92 of the school laws, which was in force when the action of the town authorities of Almena was had, in uniting the districts referred to. By that action the territory was all made to embrace but one district. The statute is very clear upon this point. But the question whether, by the change of limits, either of the old organizations become entirely extinct for all purposes, is one of some importance. It is difficult to maintain that the Legislature could have designed to extinguish all claims which had arisen upon the faith of a corporate authority in the old districts; and it may, perhaps, be questioned whether such impairing of contracts could be lawfully permitted by the Legislature, to be accomplished at the uncontrolled discretion of town officers. We are not at liberty to assume that any such result should be accepted, without a strict necessity for such a conclusion.

"The only statutory provisions expressly referring to changes in the boundaries of districts, apparently refer to partial changes, although the language may admit of a broader application. But we may, at least, derive from these provisions some light upon the character of these corporations. And when we consider that the power to combine districts was originally derived from the expressed power to change and regulate boundaries, there is reason to believe that these provisions were meant to reach all cases. When any change

is made, by adding to one district any part of another, that district which retains the school-house of the divided district is made liable to refund to the portion set off from it, the proportion of the latter in the value of the property retained, less its proportion of debts, which were chargeable upon the whole district, as it was before the division. In other words, it is evident that the district retaining the school-house is the corporation liable for the debts, and retains the entire corporate rights and powers. And where this district has, at the same time, been augmented from another, the district, as augmented, obtains these rights, and incurs these obligations. (See sections 75 and 78, school laws.) When two districts are annexed, without any other change in their boundaries, the mere fact that one number is preferred to another, does not change the real character of the annexation. Applying the rules just referred to, it will be seen at once that the debts of both districts, and the credits of both, would unite in the newly-formed district. To this extent the statutory provisions may apply without difficulty. And in the absence of any statutory provision for any different rule, we think the entire district, as a district, must be held responsible for the debts of both, as it receives the property of both. There may be equitable reasons why old debts should be charged upon the separate lands of the old districts, but we cannot, without a statute, undertake to regulate these equities. And we have no doubt that the union of districts is to be considered under the statute, a consolidation of the former corporations, and not the annihilation of one or both. The suit against district No. 5 was improperly brought, because no such district remained as a separate organization. The suit should have been against the consolidated district, as succeeding to the

liabilities of its parts. The judgment being a nullity, the supervisor was not bound to regard it. The court below, therefore, did not err in refusing to hold him responsible for declining to levy the amount of the tax."

VII.—LIBRARY MONEYS FROM FINES, ETC.

The People *ex. rel.* the Board of Education of Detroit *v.* the Treasurer of Wayne County.

Motion for mandamus to compel the treasurer of Wayne county to pay over the library moneys from fines, etc.

Campbell, J., delivered the opinion of the court, the other justices concurring, as follows:

A mandamus is applied for, to compel the respondent to pay over to the Board of Education their share of moneys in his hands, received from fines and recognizances. The question submitted is, whether the amounts paid in to him from those sources are liable to any deductions for expenses, either attending the collection of the particular sums paid in, or embracing the general criminal business of the county.

The present constitution, Art. 13, Sec. 12, declares that "the Legislature shall provide for the establishment of at least one library in each township; and all fines assessed and collected in the several counties and townships for any breach of the penal laws, *shall be exclusively applied to the support of such libraries.*"

So far as fines are concerned, this language is too plain to be open to construction. No deduction for expenses or otherwise can lawfully be made from such fines. The whole amount collected belongs to the library fund, and no portion can be applied elsewhere.

The other moneys appropriated for that purpose are so

given, not by virtue of any constitutional provision, but under a statute, which reads as follows: "The clear proceeds of all fines for any breach of the penal laws of this State, and for penalties, or upon any recognizances in criminal proceedings, and all equivalents for exemption for military duty, when collected in the county," etc., shall be apportioned among the several townships by the county treasurer. This apportionment is required to be made between the first and tenth days of April, according to the number of children within the school ages, as appearing by the statements on file in his office.—*Comp. Laws, p. 752.*

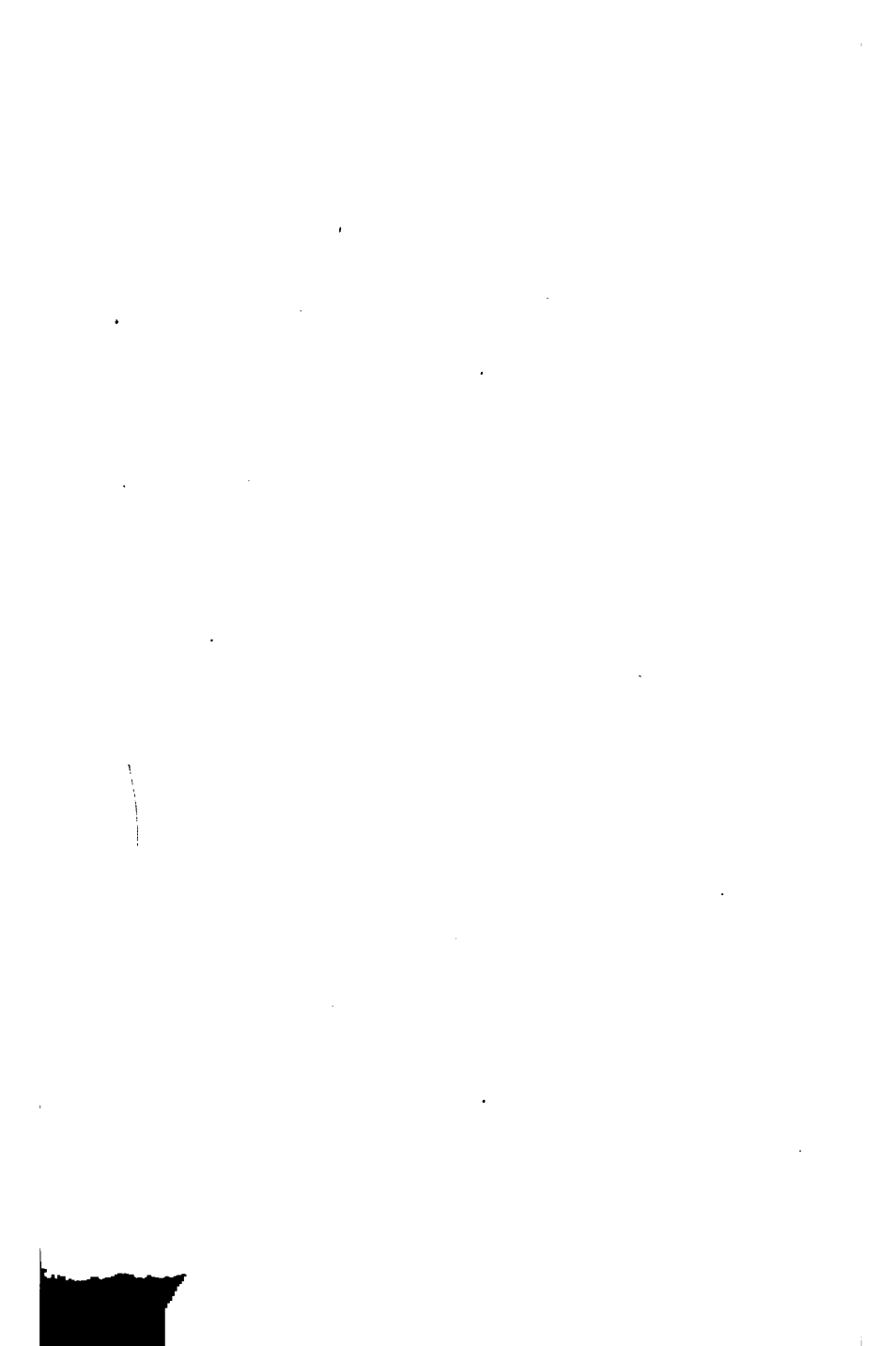
Except as to fines, which are now regulated by the constitution which was adopted subsequently to this act, the disposition of these funds is under the control of the Legislature; and it must depend entirely upon their action whether all or only a portion of these moneys shall be given to the town libraries. We must therefore look at the whole legislation upon the subject to ascertain the design of the act in question.

Chapter 155 of the compiled laws provides for the collection of penalties and forfeitures, and requires "all sums of money collected on account of any penalty or forfeiture" to be paid over to the county treasurer—(Comp. Laws, sections 5126, 5127, 5134, 5135, 5143, 5150). The costs and fees are allowable as in civil cases upon the proceedings to collect, and are separate from the penalty—(Sections 5136, 5140). On indictments the costs are expressly given to the use, not of libraries, but to the county—(Section 5688). The whole amount collected upon the penalty itself is plainly required to be paid over to the county treasurer by these sections. The taxable costs cannot be deducted from the amount forfeited, but should be kept separate; and, if paid into the library fund by mistake, may be corrected.

By section 5151, it is declared that "every county treasurer shall keep an accurate account of all moneys paid to him on account of fines, penalties, forfeitures and recognizances, separate and distinct from all other accounts, and shall credit the same to the library fund," etc. And, by section 5152, it is directed that "all the moneys belonging to such library fund shall be apportioned by the treasurer at the times, etc., and shall be paid over, etc., according to such apportionment."

The moneys belonging to this fund must necessarily include all that has been legally paid into it, subject to such deductions, after it has been paid in, as the laws authorize or require. Without questioning the right of the Legislature to make such deductions as they deem expedient, except from fines, it is very clear that until they see fit to make such deductions,—inasmuch as no money can be drawn from the treasury without some legal authority,—the fund must remain inviolate. No provision of law has yet been enacted allowing or requiring any money to be deducted from this fund. The criminal expenses are not a charge upon it. The clear proceeds, therefore, as the laws now stand, include all the sums paid into the treasury from the sources mentioned.

It is unnecessary to consider the collateral questions argued. We are of opinion that the treasurer is bound to include in his apportionment, and to pay over to the several local officers, all moneys which are paid into his office on account of fines, penalties, forfeitures and recognizances. A *mandamus* should therefore issue as prayed. We do not, however, regard this as a proper case for costs.



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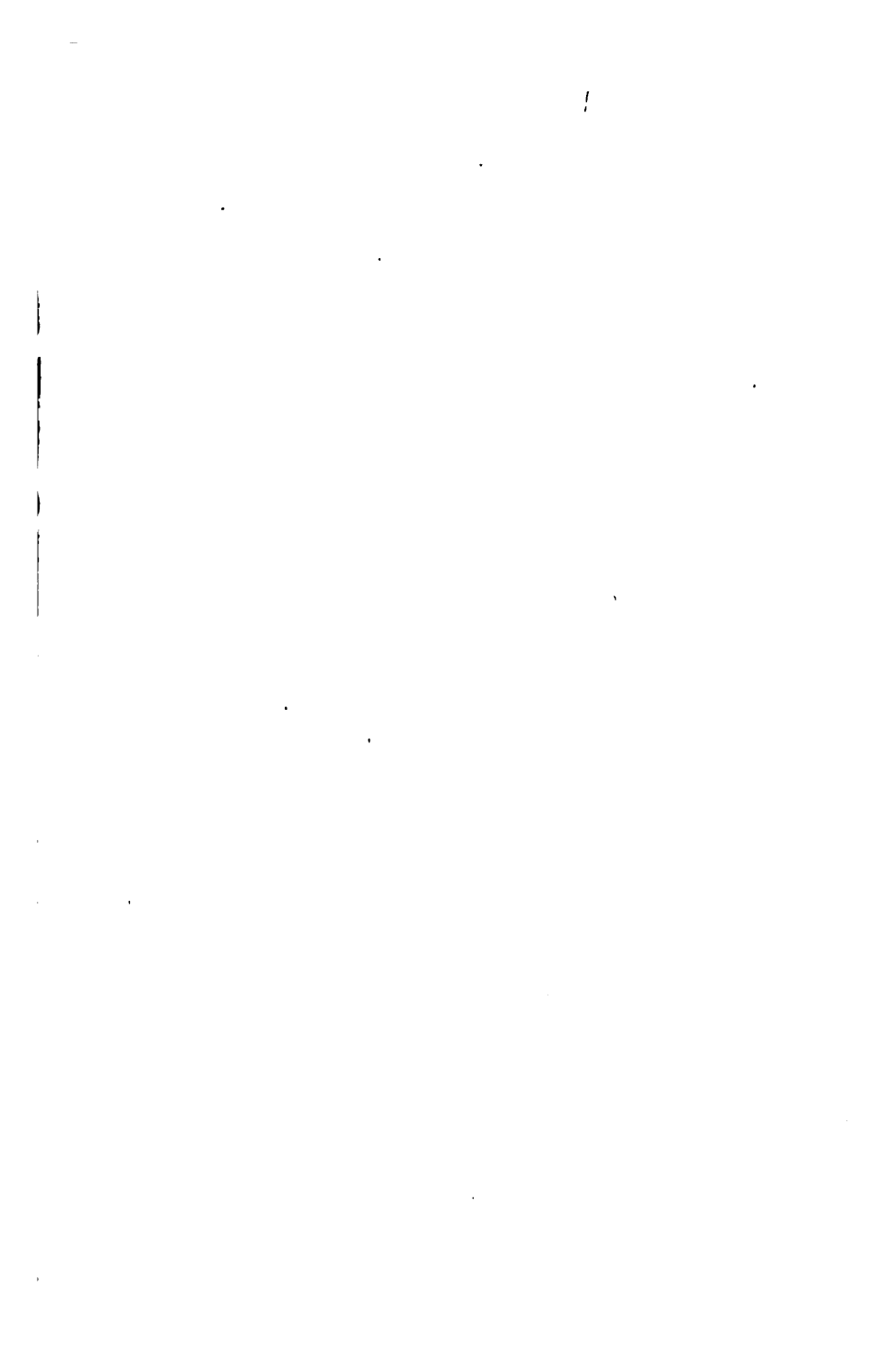
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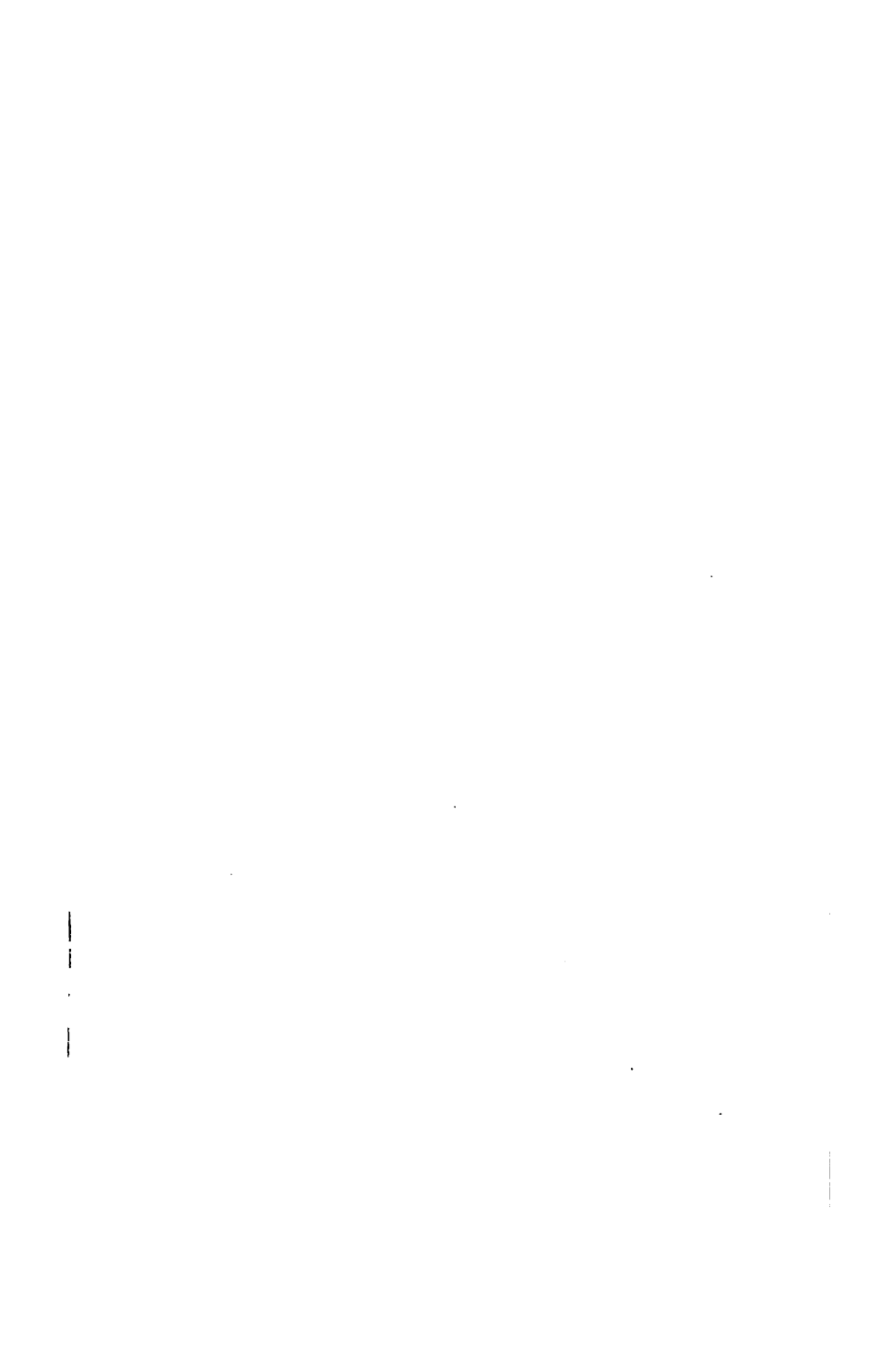
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